

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
PETITION

DO NOT WRITE IN THIS SPACE

Case 1  
11HRC-6679Date Filed  
9-17-07

**INSTRUCTIONS:** Submit an original and 4 copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located. If more space is required for any one item, attach additional sheets, numbering item accordingly.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

**1. PURPOSE OF THIS PETITION** (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the

Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)

- ☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ **RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES)** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and labor organization desire that such authority be rescinded.
- ☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check One) ☐ in unit not previously certified. ☐ in unit previously certified in Case No. \_\_\_\_\_
- ☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. \_\_\_\_\_  
Attach statement describing the specific amendment sought.

2. Name of Employer VOUGHT AIRCRAFT INDUSTRIES		Employer Representative to contact MARK DICKEY, SITE MANAGER	Telephone Number (843) 789-8000
3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 3455 AIRFRAME DR., NORTH CHARLESTON, SC 29418-6953			Telecopier Number (Fax) (843) 789-8457
4a. Type of Establishment (Factory, Mine, Wholesaler, etc.) FACTORY		4b. Identify principal product or service AIRCRAFT MANUFACTURER	
5. Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.) Included ALL FULL-TIME AND REGULAR PART-TIME PRODUCTION AND MAINTENANCE EMPLOYEES EMPLOYED BY THE EMPLOYER AT ITS NORTH CHARLESTON, SC FACILITY INCLUDING ALL ASSEMBLERS, TOOL & DIE TOOLMAKERS, INSPECTORS, BONDERS, MILLWRIGHTS, OPERATORS, MAINTENANCE MECHANICS AND NDI TECHNICIANS WORKING ON THE BOEING 787 DREAM LINER PROJECT. Excluded. ALL OFFICE CLERICAL EMPLOYEES, PROFESSIONAL EMPLOYEES, MANAGERIAL EMPLOYEES, GUARDS AND SUPERVISORS AS DEFINED IN THE ACT.			6a. Number of Employees in Unit: Present 97 Proposed (By UC/AC)  6b. Is this petition supported by 30% or more of the employees in this Unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC
(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)			
7a. <input type="checkbox"/> Request for recognition as Bargaining Representative was made on (Date) _____ Petition will serve as request for recognition _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state).			
7b. <input type="checkbox"/> Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.			
8. Name of Recognized or Certified Bargaining Agent (If none, so state). _____			Affiliation _____
Address, Telephone No. and Telecopier No. (Fax). _____			Date of Recognition or Certification _____
9. Expiration Date of Current Contract, if any (Month, Day, Year) _____		10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year) n/a	
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes _____ No <u>X</u>		11b. If so, approximately how many employees are participating? n/a	
11c. The Employer has been picketed by or on behalf of (Insert Name) _____ n/a a labor organization, of (Insert Address) _____ n/a Since (Month, Day, Year) _____ n/a			
12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)			
Name		Affiliation	Address
			Date of Claim n/a
			Telecopier No. (Fax)
13. Full name of party filing petition (If labor organization, give full name, including local name and number) INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO			
14a. Address (street and number, city, state, and ZIP code) 1111 W. MOCKINGBIRD LANE, SUITE 1357, DALLAS, TX 75247			14b. Telephone No. (214) 638-6543
			14c. Telecopier No. (Fax) (214) 638-6092
15. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO			
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief			
Name (Print) JEFFERY M. SMITH		Signature 	Title (if any) GRAND LODGE REPRESENTATIVE
Address (street and number, city, state, and ZIP code) 1111 W. MOCKINGBIRD LANE, SUITE 1357, DALLAS, TX 75247		Telephone No. (214) 638-6543	
		Telecopier No. (214) 637-2803	



United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

**www.nlrb.gov**

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

September 17, 2007

Re: Vought Aircraft Industries  
Case No. 11-RC-6679

Mr. Mark Dickey, Site Manager  
Vought Aircraft Industries  
3455 Airframe Dr  
North Charleston, SC 29418

Mr. Jeffery Smith, Grand Lodge Representative  
International Association of Machinists  
and Aerospace Workers, AFL-CIO  
1111 W. Mockingbird Lane, Suite 1357  
Dallas, TX 75247

Dear Mr. Dickey and Mr. Smith:

Enclosed is a copy of a Petition for Certification of Representative, pursuant to the provisions of the National Labor Relations Act, which has been filed with this office. Also enclosed is a copy of "Parties Involved in a Representation Petition," Form NLRB-4812, explaining the manner in which representation petitions are processed by this Agency.

The National Labor Relations Act requires the prompt resolution of questions concerning representation. Because this is an integral part of our mission, these cases are prioritized and resolved as expeditiously as possible.

If the Board has jurisdiction, the parties may execute a standard agreement for an election fixing the date, time and place and the classifications to be included in the appropriate unit. All such elections are conducted by an agent of the Board. Election procedures are outlined in the enclosed pamphlet. In the event there is no agreement for an election, a formal investigatory hearing may be held before a hearing officer of the Board.

Consistent with the Agency's efforts to ensure the expeditious resolution of questions concerning representation, please be advised a hearing has been scheduled for **September 27, 2007**, as set forth in the enclosed Notice of Hearing. Requests for the postponement of the hearing will be granted only for good cause and consistent with the requirements set forth in Form NLRB-4338, which is enclosed with this letter. For purposes of Section 102.114(d) of the Board's Rules and Regulations, I am granting advance permission to the parties to file postponement requests with me by facsimile transmission. The hearing, once commenced, will be conducted on consecutive days, until completed, unless the most compelling circumstances warrant otherwise. I advise the parties of these requirements at this time so that they may begin their preparations for them.

Attention is called to your right, and the right of any party, to be represented by counsel or another representative in any proceeding before the National Labor Relations Board. In the event you choose to have a representative appear on your behalf, please have your representative complete "Notice of Appearance," Form NLRB-4701. If you desire to designate a representative to receive all documents mailed by this office in this matter, you are requested to complete "Notice of Designation of Representative as Agent for Service of Documents," Form NLRB-4813. Both forms should be returned to this office as soon as possible. In view of our policy of processing these cases expeditiously, I anticipate that in the event you exercise your right to be represented by counsel or another representative you will do so promptly.

Prior to conducting a formal hearing, the staff member named below, who has been assigned to this matter, will be in contact with the parties to explore the issues and, if appropriate, to obtain an election agreement. If these contacts do not result in an election agreement, we may conduct an informal conference before the scheduled formal hearing. At this conference, the Board agent will explore all of the issues raised by the petition in an effort either to obtain an election agreement or narrow the issues which will be litigated at the hearing. It has been our experience that these informal conferences can be extremely useful in helping us in these regards, and that it is in the mutual interest of all parties, as well as the Agency, to explore fully all potential areas of agreement in order to eliminate or limit, to the extent possible, the significant costs associated with litigation. I encourage the parties to share all available information at this conference.

In order to assist us in our investigation, please submit the following information immediately:

1. Commerce information, which may be furnished on the enclosed "Questionnaire on Commerce Information," Form NLRB-5081. An extra copy of the form is enclosed for your files.
2. An alphabetized list of employees described in the petition together with their job classifications, for the payroll period immediately preceding the date of this letter. This list is to be used to resolve possible eligibility and unit questions as well as to determine the adequacy of the Petitioner's showing of interest.
3. Copies of correspondence and existing or recently expired contracts, if any, covering employees in the unit alleged in the petition. Names of any other labor organization(s) claiming to represent any of the employees in the proposed unit.
4. Your position as to the appropriateness of the unit.

It has been our experience that the exchange of information made possible by providing the list of employees requested in paragraph 2 above to all parties to the case is an excellent aid in resolving many of the eligibility and unit questions that arise during case processing. Accordingly, I encourage you both to provide the list as requested in paragraph 2, and to permit me to provide the list to the other parties. Please state in your return correspondence whether you intend to provide the list and whether I may provide it to the other parties.

Please be advised that in addition to the list of employees requested in paragraph 2 above, in the event an election is agreed to or directed in this case, a list of the full names and addresses of all the eligible voters must be filed by the employer with the undersigned, who will in turn make it available to all parties to the case. The list must be furnished to the undersigned within seven (7) days of the direction of election or approval of an agreement to conduct an election. I am advising you now of this requirement so that you have ample time to prepare for the eventuality that such list may become necessary.

It has been our experience that by the time a petition such as this one has been filed, employees may also have questions about what is going on and what may happen. At this stage in the handling of this case, we, of course, do not know what disposition will be made of the petition, but experience tells us that an explanation of rights, responsibilities and Board procedures can be helpful to your employees. The Board believes that employees should have readily available to them information about their rights and the proper conduct of employee representation elections. At the same time, employers and labor organizations should be apprised of their responsibilities to refrain from conduct which could impede employees' freedom of choice. Accordingly, you are requested to post the enclosed Notice to Employees in conspicuous places in areas where employees such as those described in the enclosed petition work. Please advise me where in your facility you have posted the notice. Copies of this notice are also being made available to the labor organization(s) involved. In the event an election is not conducted, pursuant to this petition, you are requested to remove the posted notice. In addition, I am enclosing a pamphlet entitled, "Your Government Conducts an Election," for distribution to employees and to supervisory personnel. Additional copies of the pamphlet will be furnished upon request.

Please be further advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received or may receive a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization

or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Effective August 5, 1987, Section 103.20 of the Board's Rules and Regulations was amended. A copy of the amended Section is enclosed.

Customer service standards concerning the processing of representation cases have been published by the Agency and are available on the Agency's website ([www.nlr.gov](http://www.nlr.gov)) under Public Notices.

Investigation of this matter has been assigned to the staff member named below. If you have any questions, do not hesitate to communicate with the Board agent. Your cooperation in this matter will be appreciated.

Very truly yours,

Willie L. Clark, Jr.  
Regional Director

Board Agent: Jodi S. Cunningham Telephone No.: (336)631-5244

E-Mail Jodi.Cunningham@nlrb.gov  
Address: \_\_\_\_\_

Attachments: Petition  
Notice  
NLRB Forms 4812, 4338, 4701, and 4813  
Notice of Hearing with NLRB Form 4669 attached  
Commerce Questionnaire (NLRB Form 5081) [Employer only]  
Notice to Employees (NLRB Form 5492)  
"Your Government Conducts an Election" pamphlet  
Notice Posting Rule (Amended Section 103.20)  
Attachment

cc:

Allison Beck, Esq.  
International Association of Machinists  
and Aerospace Workers, AFL-CIO  
9000 Machinists Place, Room 202  
Upper Marlboro, MD 20772

Mr. Tommy C. Daves, Grand Lodge Rep.  
International Association of Machinists  
and Aerospace Workers, AFL-CIO  
1111 W. Mockingbird Lane, Suite 1357  
Dallas, TX 75247

**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

Vought Aircraft Industries

Employer

and

International Association of Machinists and Aerospace Workers,  
AFL-CIO

Petitioner

CASE NO. 11-RC-6679

**NOTICE OF REPRESENTATION HEARING**

The Petitioner, above named, having heretofore filed a Petition pursuant to Section 9(c) of the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151, et. seq., copy of which Petition is hereto attached, and it appearing that a question affecting commerce has arisen concerning the representation of employees described by such Petition,

**YOU ARE HEREBY NOTIFIED** that, pursuant to Sections 3(b) and 9(c) of the Act, on **September 27, 2007, and consecutive days thereafter until concluded, at 10:00 a.m., in the Paris Favors, Jr. Hearing Room, National Labor Relations Board, Republic Square, Suite 200, 4035 University Parkway, Winston-Salem, North Carolina,**

a hearing will be conducted before a hearing officer of the National Labor Relations Board upon the question of representation affecting commerce which has arisen, at which time and place the parties will have the right to appear in person or otherwise, and give testimony. (*Form NLRB-4669, Statement of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of The National Labor Relations Act, as Amended, is attached.*)

Signed at Winston-Salem, North Carolina, on the 17th day of September 2007.



*Willie L. Clark, Jr.*

Willie L. Clark, Jr., Regional Director, Region 11  
National Labor Relations Board

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

The parties agree that a hearing is waived, that approval of this Agreement constitutes withdrawal of any notice of hearing previously issued in this matter, that the petition is amended to conform to this Agreement, and further **AGREE AS FOLLOWS:**

**1. SECRET BALLOT.** A secret-ballot election shall be held under the supervision of the Regional Director in the unit defined below at the agreed time and place, under the Board's Rules and Regulations.

**2. ELIGIBLE VOTERS.** The eligible voters shall be unit employees employed during the designated payroll period for eligibility, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are 1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, 2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and 3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced. The employer shall provide to the Regional Director, within seven (7) days after the Regional Director has approved this Agreement, an election eligibility list containing the full names and addresses of all eligible voters. **Excelsior Underwear, Inc., 156 NLRB 1236; North Macon Health Care Facility, 315 NLRB 359.**

**3. NOTICE OF ELECTION.** Copies of the Notice of Election shall be posted by the Employer in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**4. ACCOMMODATIONS REQUIRED.** All parties should notify the Regional Director as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, and request the necessary assistance.

**5. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

**6. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

**7. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**8. RECORD.** The record in this case shall include this Agreement and be governed by the Board's Rules and Regulations.

*(Over)*

9. **COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c). (Insert commerce facts.)

Vought Aircraft Industries, Inc. is a Delaware corporation, with a facility located in North Charleston, South Carolina, where it is engaged in the design, manufacture and non-retail sale of fuselage subassemblies. During the preceding 12 month period the Employer shipped goods and materials valued in excess of \$50,000 directly to points located outside the State of South Carolina. During the preceding 12 month period, the Employer received goods and materials valued in excess of \$50,000 directly from points located outside the State of South Carolina.

10. **WORDING ON THE BALLOT.** When only one labor organization is on the ballot, the choice shall be "Yes" or "No". If more than one labor organization is on the ballot, the choices shall appear as follows, reading left to right or top to bottom. (If more than one labor organization is on the ballot, any labor organization may have its name removed by the approval of the Regional Director of a timely written request.)

First.

Second.

Third.

11. **PAYROLL PERIOD FOR ELIGIBILITY - THE PERIOD ENDING** September 23, 2007

12. **DATE, HOURS, AND PLACE OF ELECTION.**

Date: October 26, 2007  
Times: 1:30 p.m. to 3:30 p.m.  
5:30 p.m. to 7:30 p.m.  
Place: Break Room on First Floor

Date: October 27, 2007  
Time: 4:00 p.m. to 6:00 p.m.  
Place: Break Room on First Floor

13. **THE APPROPRIATE COLLECTIVE-BARGAINING UNIT.**

All full-time and regular part-time production and maintenance employees, including assemblers, tool & die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, NDI technicians, and quality inspectors and assemblers in the LIMA class employed by the Employer at its North Charleston, South Carolina facility; but excluding all other employees, office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act.

Vought Aircraft Industries, Inc.

By (Employer)  
/s/ Mitch Camp 9-27-07  
(Name) (Date)  
HR Manager  
(Title)

Recommended:  
/s/ Jodi Cunningham 9/27/07  
(Board Agent) (Date)  
Date approved 9/27/07

/s/ Willie L. Clark, Jr  
Regional Director  
National Labor Relations Board

Case 11-RC-6679

International Association of Machinists and Aerospace Workers, AFL-CIO

By (Labor Organization)  
/s/ Bobby Sapp 9/26/2007  
(Name) (Date)  
Grand Lodge Representative  
(Title)

By (Labor Organization)  
(Name) (Date)  
(Title)



United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

**[www.nlrb.gov](http://www.nlrb.gov)**

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

October 3, 2007

Re: Vought Aircraft Industries  
Case No. 11-RC-6679

Mr. Mitch Camp  
HR Manager  
Vought Aircraft Industries  
3455 Airframe Dr, Bldg 100  
North Charleston, SC 29418

Mr. Bobby Sapp  
Grand Lodge Representative  
International Association of Machinists and Aerospace  
Workers, AFL-CIO  
1111 W. Mockingbird Lane, Suite 1357  
Dallas, TX 75247

Gentlemen or Ladies:

This letter will confirm election arrangements made in connection with the above-captioned case.

The election will be held on the date and at the time and place described in the attached Stipulated Election Agreement approved by the undersigned on September 27, 2007, among the employees who were employed during the payroll period ending September 23, 2007.

The Company will provide three chairs and one table. The Board agent will provide the voting booth and ballot box.

I wish to point out to the parties that in the event persons not presently employed appear at the Company asserting the right to vote, they must be admitted to the polling place at any time the poll is open to confer with the Board agent in charge.

All parties to the election may appoint one observer to assist the Board agent during the election. The observers will be selected from the Company's non-supervisory personnel. By ruling of the Board, discharged employees as to whom unfair labor practice charges have been filed are deemed to be employees for this purpose. Voters will release themselves to vote and may vote at any time the poll is open.



A preelection conference will be held by the Board agent at 1:00 p.m. on October 26, 2007, 1st Floor Break Room. The purpose of this meeting is to instruct the observers in their duties and responsibilities in the conduct of the election and to inspect the facilities and general layout of the voting area. Representatives of the parties are expected to attend this meeting.

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an election eligibility list, containing the full names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 11 within 7 days of the date of my approval of the attached agreement. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. I shall, in turn, make this list available to all parties to the election. In order to be timely filed, such list must be received in this office on or before **October 4, 2007**. No extension of time to file this list may be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission. Since the list is to be made available to all parties to the election, please furnish a total of **two** copies, unless the list is submitted by facsimile, in which case no copies need be submitted. To speed preliminary checking and the voting process itself, the names should be alphabetized (overall or by department, etc.).

Persons not within the appropriate unit as found in the agreement must not be included on the list. The eligibility list referred to is the one that will usually be used by the Board agent conducting the election.

Unless we are advised otherwise, the list will be mailed to the parties at the addresses as shown on the petition.

Notices of Election will be forwarded to the Employer for posting. The Employer is reminded that Section 103.20 of the Board's Rules and Regulations requires employers to post the Board's official Notice of Election in conspicuous places at least three (3) full days prior to 12:01 a.m. of the day of the election and to notify the Board at least five (5) working days prior to the commencement of the election if it has not received copies of the Notice of Election for posting. Failure to notify the Board of nonreceipt of the Notice of Election estops employers from filing objections based on nonposting of the Notice of Election. You should be aware that the Board has interpreted this five (5)-day requirement as requiring an employer to notify the Regional Office at least five (5) full working days prior to 12:01 a.m. of the day of the election that it has not received copies of the Notice of Election. See *Club Demonstration Services*, 317 NLRB No. 52 (1995).

If any party has questions about the election or the election arrangements, please contact Jodi Cunningham at 336/631-5244.

Very truly yours,

  
Willie L. Clark, Jr.  
Regional Director

cc: Joseph C. Ragaglia, Esq.  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Allison Beck, Esq.  
International Association of Machinists and  
Aerospace Workers, AFL-CIO  
9000 Machinists Place, Room 202  
Upper Marlboro, MD 20772

Mr. Tommy C. Daves  
Grand Lodge Rep.  
International Association of Machinists and  
Aerospace Workers, AFL-CIO  
1111 W. Mockingbird Lane, Suite 1357  
Dallas, TX 75247



United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 11

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[www.nlrb.gov](http://www.nlrb.gov)

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

October 16, 2007

Re: Vought Aircraft Industries  
Case No. 11-RC-6679

Mr. Mitch Camp, HR Manager  
Vought Aircraft Industries  
3455 Airframe Dr, Bldg 100  
North Charleston, SC 29418

Dear Mr. Camp:

Enclosed are **10** Notices of Election for posting in conspicuous places that are easily accessible to employees. Extra copies have been provided in the event a Notice is defaced and requires replacement. Please provide confirmation that the Notices have been posted.

You are reminded that Section 103.20 of the Board's Rules and Regulations requires employers to post the Board's official Notice of Election in conspicuous places at least three (3) full working days, not including Saturdays, Sundays, and holidays, prior to 12:01 a.m. of the day of the election. A copy of this rule was served upon the Employer with the filing of the petition.

Thank you for your cooperation.

Very truly yours,

Willie L. Clark, Jr.  
Regional Director

Enclosure

WLC/sg

cc:

Joseph C. Ragaglia, Esq.  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

(1) Mr. Bobby Sapp, Grand Lodge (1)  
Representative  
International Association of Machinists  
and Aerospace Workers, AFL-CIO  
1111 W. Mockingbird Lane, Suite 1357  
Dallas, TX 75247

Allison Beck, Esq.  
International Association of Machinists  
and Aerospace Workers, AFL-CIO  
9000 Machinists Place, Room 202  
Upper Marlboro, MD 20772

(1)

# ERICA ★ NATIONAL LABO CE OF ELEC

## VOTING UNIT FOR CERTAIN EMPLOYEES OF Vought Aircraft Industries

11-RC-6679

### THOSE ELIGIBLE TO VOTE:

All full-time and regular part-time production and maintenance employees, including assemblers, tool & die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, NDI technicians, and quality inspectors and assemblers in the LIMA class employed by the Employer at its North Charleston, South Carolina facility during the payroll period ending September 23, 2007.

### THOSE NOT ELIGIBLE TO VOTE:

All other employees, office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act.

### TIME AND PLACE OF ELECTION

DATES: Friday, October 26, 2007

TIMES: 1:00 p.m. to 3:30 p.m.  
5:30 p.m. to 7:30 p.m.  
4:00 p.m. to 6:00 p.m.

Saturday, October 27, 2007

PLACE: Break Room on First Floor

VOTERS WILL RELEASE THEMSELVES TO VOTE AND MAY VOTE AT ANY TIME THE POLL IS OPEN.

ALL BALLOTS FOR ALL VOTING SESSIONS WILL BE MINGLED AND COUNTED AT THE VOTING PLACE IMMEDIATELY AFTER THE CLOSE OF THE LAST VOTING SESSION ON OCTOBER 27, 2007.



UNITED STATES OF AMERICA  
National Labor Relations Board  
FORM NLRB-707N2 (RC, RM, RD CASES) (4-84)



### OFFICIAL SECRET BALLOT

For certain employees of

Vought Aircraft Industries

Do you wish to be represented for purposes of collective bargaining by -  
International Association of Machinists and Aerospace Workers, AFL-CIO?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

VOUGHT AIRCRAFT INDUSTRIES

Employer

and

INTERNATIONAL ASSOCIATION OF MACHINISTS  
AND AEROSPACE WORKERS, AFL-CIO

Petitioner

Date Filed

Case No. 11-RC-6679

9/17/07

Date Issued October 27, 2007

Type of Election  
(Check one:)

- ☒ Stipulation  
☐ Board Direction  
☐ Consent Agreement  
☐ RD Direction  
Incumbent Union (Code)

(If applicable check  
either or both:)

- ☐ 8(b) (7)  
☐ Mail Ballot

*N. Charleston, SC*

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters ..... 130
2. Number of Void ballots ..... 0
3. Number of Votes cast for INTERNATIONAL ASSOCIATION OF MACHINISTS  
AND AEROSPACE WORKERS, AFL-CIO ..... 67
4. Number of Votes cast for ..... XXXXXXXX
5. Number of Votes cast for ..... XXXXXXXX
6. Number of Votes cast against participating labor organization(s) ..... 60
7. Number of Valid votes counted (sum of 3, 4, 5, and 6) ..... 127
8. Number of Challenged ballots ..... 0
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) ..... 127
10. Challenges are (not) sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for INTERNATIONAL  
ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO

For the Regional Director

*[Signature]*

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For VOUGHT AIRCRAFT INDUSTRIES

For INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
AFL-CIO

For

For

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

Vought Aircraft Industries

Employer

and

International Association of Machinists and Aerospace  
Workers, AFL-CIO

Petitioner

TYPE OF ELECTION

(CHECK ONE)

- ☐ CONSENT  
☒ STIPULATED  
☐ RD DIRECTED  
☐ BOARD DIRECTED

(ALSO CHECK BOX

BELOW WHEN APPROPRIATE)

☐ 8(b)(7)

CASE 11-RC-6679

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for International Association of Machinists and Aerospace Workers, AFL-CIO, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

**UNIT:** All full-time and regular part-time production and maintenance employees, including assemblers, tool & die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, NDI technicians, and quality inspectors and assemblers in the LIMA class employed by the Employer at its North Charleston, South Carolina facility; but excluding all other employees, office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act.

Signed at Winston-Salem, NC

On the 8th day of

November 2007

Willie Clark Jr.  
Regional Director, Region 11  
National Labor Relations Board



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
PETITION

DO NOT WRITE IN THIS SPACE

Case No.

11-RD-723

Date Filed

7-30-09

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☐ RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☒ RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. \_\_\_\_\_
- ☐ AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. \_\_\_\_\_  
Attach statement describing the specific amendment sought.

2. Name of Employer Boeing		Employer Representative to contact David Ray	Tel. No. (843)789-8404
3. Address(es) of Establishment(s) involved (Street and number, city, state, ZIP code) 3455 Airframe Drive Bldg. 100 North Charleston SC 29418		Fax No. ( ) -	
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Facility	4b. Identify principal product or service Aircraft	Cell No. ( ) - e-Mail	
5. Unit involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.) Included All production and maintenance employees, including assemblers, tool and die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, and NDI technicians. Excluded All other employees, including all office clerical employees, managerial employees, guards, professional employees and supervisors under the Act.		6a. Number of Employees in Unit: Present 0 Proposed (By UC/AC) 0 6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC	

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. <input type="checkbox"/> Request for recognition as Bargaining Representative was made on (Date) // // and Employer declined recognition on or about (Date) // // (If no reply received, so state).	7b. <input type="checkbox"/> Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.		
8. Name of Recognized or Certified Bargaining Agent (If none, so state.) International Association of Machinists and Aerospace Workers, District Lodge 96		Affiliation	
Address 1111 W. Mockingbird Lane, Ste. 1357 Dallas TX 75247		Tel. No. (214)637-6543	Date of Recognition or Certification 11/08/2007
		Cell No. ( ) -	Fax No. (214)637-2803
9. Expiration Date of Current Contract, if any (Month, Day, Year) // //		10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year) // //	
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		11b. If so, approximately how many employees are participating? //	
11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) // //			
12. Organizations or individuals other than Petitioner (and other than those named in Items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in Item 5 above. (If none, so state)			

Name	Address	Tel. No. ( ) -	Fax No. ( ) -
		Cell No. ( ) -	e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number)

14a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		14b. Tel. No. (b) (6), (b) (7)(C) EXT	14c. Fax No. ( ) -
		14d. Cell No. ( ) -	14e. e-Mail (b) (6), (b) (7)(C)

15. Full name of national or international labor organization of which Petitioner is an affiliate or consultant (to be filled in when petition is filed by a labor organization)

I declare that I have read the above petition and that the statements are true (b) (6), (b) (7)(C)			
Name (Print) (b) (6), (b) (7)(C)	Signature (b) (6), (b) (7)(C)	Date 07/30/09	Title (if any)
Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		Fax No. ( ) -	
		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

(b) (6), (b) (7)(C)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**STIPULATED ELECTION AGREEMENT**

The parties agree that a hearing is waived, that approval of this Agreement constitutes withdrawal of any notice of hearing previously issued in this matter, that the petition is amended to conform to this Agreement, and further **AGREE AS FOLLOWS:**

**1. SECRET BALLOT.** A secret-ballot election shall be held under the supervision of the Regional Director in the unit defined below at the agreed time and place, under the Board's Rules and Regulations.

**2. ELIGIBLE VOTERS.** The eligible voters shall be unit employees employed during the designated payroll period for eligibility, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are 1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, 2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and 3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced. The employer shall provide to the Regional Director, within seven (7) days after the Regional Director has approved this Agreement, an election eligibility list containing the full names and addresses of all eligible voters. **Excelsior Underwear, Inc., 156 NLRB 1236; North Macon Health Care Facility, 315 NLRB 359.**

**3. NOTICE OF ELECTION.** Copies of the Notice of Election shall be posted by the Employer in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**4. ACCOMMODATIONS REQUIRED.** All parties should notify the Regional Director as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, and request the necessary assistance.

**5. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

**6. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

**7. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**8. RECORD.** The record in this case shall include this Agreement and be governed by the Board's Rules and Regulations.

(Over)

RBN  
WHT  
(b) (6), (b) (7)(C)



9. **COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c). (Insert commerce facts.)

"The Boeing Company is a Delaware corporation, with a facility located in North Charleston, South Carolina, where it is engaged in the design, manufacture and non-retail sale of fuselage subassemblies. Based on a projection of its operations since July 30, 2009, at which time the Employer commenced its operations, the Employer, in conducting its business operations described above, will annually sell and ship from its North Charleston, South Carolina facility goods valued in excess of \$50,000 directly to enterprises located outside the State of South Carolina."

10. **WORDING ON THE BALLOT.** When only one labor organization is on the ballot, the choice shall be "Yes" or "No". If more than one labor organization is on the ballot, the choices shall appear as follows, reading left to right or top to bottom. (If more than one labor organization is on the ballot, any labor organization may have its name removed by the approval of the Regional Director of a timely written request.)

First.

Second.

Third.

11. **PAYROLL PERIOD FOR ELIGIBILITY - THE PERIOD ENDING** August 9, 2009

12. **DATE, HOURS, AND PLACE OF ELECTION.**

Date: Thursday September 10, 2009  
Time: 11:30pm to 5:00pm  
Place: second floor break room

13. **THE APPROPRIATE COLLECTIVE-BARGAINING UNIT.**

"All full-time and regular part-time production and maintenance employees, including assemblers, tool & die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, NDI technicians, and employees in the bonding class, employed by the Employer at its North Charleston, South Carolina facility; but excluding all other employees, office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act."

THE BOEING COMPANY  
By Richard R. Shank 8/11/09  
(Employer)  
(Name) (Date)  
ATTORNEY  
(Title)

Recommended: Anthony H. Glatt 8/12/09  
(Board Agent) (Date)

Date approved 8/12/09  
Howard H. Hardy Jr.  
Regional Director  
National Labor Relations Board

Case 11-AB-723

(b) (6), (b) (7)(C)  
PETITIONER  
(Title)  
8-11-09  
(Date)

International Association of Machinists and Aerospace Workers  
(Labor Organization)  
By W. D. Haller 8/11/09  
(Name) (Date)  
Associate General Counsel  
(Title)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**REQUEST TO PROCEED**

In the matter of Boeing Company d/b/a Boeing Charleston 11-RD-723  
(Name of Case) (Number of Case)

The undersigned hereby requests the Regional Director to proceed with the above-captioned representation case, notwithstanding the charges of unfair labor practices filed in Case No. 11-CA-22416. It is understood that the Board will not entertain objections to any election in this matter based upon conduct occurring prior to the filing of the petition.

Date September 3, 2009

INTERNATIONAL ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS, AFL-CIO  
By Jeffery M. Smith  
Jeffery M. Smith  
Grand Lodge Representative  
(Title)

11-CA-22413

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

THE BOEING COMPANY

Employer

and

(b) (6), (b) (7)(C) an Individual  
Petitioner

and

INTERNATIONAL ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS, AFL-CIO  
Union

DATE FILED

07/30/2009

Case No. 11-RD-723

Date Issued 09/10/2009

Type of Election:  
(Check one:)

- ☒ Stipulation  
☐ Board Direction  
☐ Consent Agreement  
☐ RD Direction  
Incumbent Union (Code)

(If applicable check  
either or both:)

- ☐ 8(b) (7)  
☐ Mail Ballot

N. Charleston, SC

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 288
2. Number of Void ballots 1
3. Number of Votes cast for INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO 68
4. Number of Votes cast for XXXXXX
5. Number of Votes cast for XXXXXX
6. Number of Votes cast against participating labor organization(s) 199
7. Number of Valid votes counted (sum of 3, 4, 5, and 6) 267
8. Number of Challenged ballots 0
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 267
10. Challenges are (not) sufficient in number to affect the results of the election. not
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO

For the Regional Director

*Jaqueline Jones*

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For THE BOEING COMPANY

*Anthony D. Smith*

For INTERNATIONAL ASSOCIATION OF MACHINISTS

AND AEROSPACE WORKERS, AFL-CIO

For

*Billy Jones*

For (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

**Meares, Shannon R.**

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**From:** Haller William [whaller@iamaw.org]  
**Sent:** Friday, August 07, 2009 9:44 AM  
**To:** Meares, Shannon R.  
**Subject:** RE: Boeing 11-RD-723

I'm sorry for creating confusion. I can confirm that the Union will be able to stipulate to the proposed commerce statement. Based on the knowledge I have now, I believe the Union will also be able to stipulate to the bargaining-unit description proposed by the Employer – my only reservation at this point concerns newly hired trainees. I'm in the process of garnering more factual information about this group of employees; if the information I receive means that the Union will no longer be able to agree-upon the proposed unit description, I will let you know immediately. My educated guess is that we will be able to stipulate to the unit description and that no evidence will need to be received on this matter.

William H. Haller  
Associate General Counsel  
IAMAW  
9000 Machinists Place  
Upper Marlboro, MD 20772  
301-967-4510 office  
301-967-4594 fax  
202-286-5040 cell  
whaller@iamaw.org

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**From:** Meares, Shannon R. [mailto:Shannon.Meares@nlrb.gov]  
**Sent:** 2009-08-07 08:54  
**To:** Haller William  
**Subject:** RE: Boeing 11-RD-723

So, just to confirm, the Union is ok with the both the bargaining unit descript and the commerce statement I forward to you yesterday?

Thank you,

Shannon R. Meares, Attorney  
National Labor Relations Board, Region 11  
4035 University Parkway, Suite 200  
P.O. Box 11467  
Winston-Salem, NC 27116-1467  
(Office) 336.631.5226 (Fax) 336.631.5210

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**From:** Haller William [mailto:whaller@iamaw.org]  
**Sent:** Thursday, August 06, 2009 5:30 PM  
**To:** Meares, Shannon R.  
**Subject:** FW: Boeing 11-RD-723

Ms. Meares:

Oops – I spoke too soon. I've received an update from the field and am now told that the Union will NOT oppose the "employees in the bonding class" from being included in the unit description.

William H. Haller  
Associate General Counsel

8/7/2009

**Meares, Shannon R.**

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**From:** Haller William [whaller@iamaw.org]  
**Sent:** Thursday, August 06, 2009 5:30 PM  
**To:** Meares, Shannon R.  
**Subject:** FW: Boeing 11-RD-723

Ms. Meares:

Oops – I spoke too soon. I've received an update from the field and am now told that the Union will NOT oppose the "employees in the bonding class" from being included in the unit description.

William H. Haller  
Associate General Counsel  
IAMAW  
9000 Machinists Place  
Upper Marlboro, MD 20772  
301-967-4510 office  
301-967-4594 fax  
202-286-5040 cell  
whaller@iamaw.org

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**From:** Haller William  
**Sent:** 2009-08-06 17:01  
**To:** 'Meares, Shannon R.'  
**Subject:** RE: Boeing 11-RD-723

Ms. Meares:

The Union will not have a problem stipulating to the commerce statement.

The Union does not agree to the unit description to the extent it includes "employees in the bonding class." I am still investigating the facts on this, but I wanted to give you notice that this is something the Union will probably not be able to stipulate to. If our position changes on this, I will let you know immediately.

William H. Haller  
Associate General Counsel  
IAMAW  
9000 Machinists Place  
Upper Marlboro, MD 20772  
301-967-4510 office  
301-967-4594 fax  
202-286-5040 cell  
whaller@iamaw.org

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**From:** Meares, Shannon R. [mailto:Shannon.Meares@nrlb.gov]  
**Sent:** 2009-08-06 15:05  
**To:** Haller William; (b) (6), (b) (7)(C) rthankins@mckennalong.com  
**Cc:** Scott, Anthony G.  
**Subject:** Boeing 11-RD-723

Good afternoon, Gentlemen!!!

8/7/2009

I just wanted to remind you all that the hearing, in the above-referenced matter, will be conducted on Tuesday, August 11, 2009 at 10am. The hearing will be conducted in Charleston, SC. An order will issue today setting forth the exact location. The hearing officer will more than likely be Anthony Scott (Compliance Officer). Mr. Scott can be reached at 336.631.5220.

In the meantime, I would like to make sure things run as smoothly and efficiently as possible the day of the hearing. In this regard, I want to confirm that the only issue being presented is whether there is a successor bar to the petition. To the extent the successor issue is being raised, I have been instructed to request that the Employer bring: (1) a copy of the purchase agreement or any other documents reflecting the terms of the sales transaction; and (2) copies of any communications between the Employer and the Union and/or employees regarding the sale.

Based on my conversations with the Employer's counsel, I believe below is an accurate commerce statement:

"The Boeing Company is a Delaware corporation, with a facility located in North Charleston, South Carolina, where it is engaged in the design, manufacture and non-retail sale of fuselage subassemblies. Based on a projection of its operations since July 30, 2009, at which time the Employer commenced its operations, the Employer, in conducting its business operations described above, will annually sell and ship from its North Charleston, South Carolina facility goods valued in excess of \$50,000 directly to enterprises located outside the State of South Carolina."

In addition, I would ask that the parties attempt to reach an agreement on the appropriate unit description. Based on my conversations with the Employer's counsel my understanding of the appropriate description is as follows:

"All full-time and regular part-time production and maintenance employees, including assemblers, tool & die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, NDI technicians, and employees in the bonding class, employed by the Employer at its North Charleston, South Carolina facility; but excluding all other employees, office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act."

To the extent the Union or Petitioner disagree with the unit description, I ask that you raise those concerns as soon as possible so we can attempt to reach a resolution prior to the hearing.

Thank you in advance for your cooperation.

Thank you,

Shannon R. Meares, Attorney  
National Labor Relations Board, Region 11  
4035 University Parkway, Suite 200  
P.O. Box 11467  
Winston-Salem, NC 27116-1467  
(Office) 336.631.5226 (Fax) 336.631.5210

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Notice: This message is intended for the addressee only and may contain privileged and/or confidential information. Use or dissemination by anyone other than the intended recipient is prohibited.

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8/7/2009

**Meares, Shannon R.**

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**From:** Haller William [whaller@iamaw.org]  
**Sent:** Tuesday, August 04, 2009 11:43 AM  
**To:** Meares, Shannon R.  
**Cc:** Smith Jeffery  
**Subject:** Boeing (Case 11-RD-723)

Ms. Meares:

Kindly enter my appearance in this matter on behalf of International Association of Machinists and Aerospace Workers, District Lodge 96 ("IAM").  
Please contact me at your earliest convenience to discuss this matter – I am out of the office today, but can be reached at my cell #.

As we briefly discussed over the phone, the IAM asserts that the petition is untimely because the petition was filed the same day that the facility changed hands, meaning that any showing of interest that accompanied the petition must have been compiled at a time when Boeing was not the employer at this facility.

Also, as we discussed, the IAM anticipates filing a charge asserting that the petition is tainted due to unlawful assistance from Vought Aviation, the predecessor employer at this facility.

I join in the request, already made by Boeing, that the location for the hearing in this matter be moved to Charleston, SC.

William H. Haller  
Associate General Counsel  
IAMAW  
9000 Machinists Place  
Upper Marlboro, MD 20772  
301-967-4510 office  
301-967-4594 fax  
202-286-5040 cell  
whaller@iamaw.org

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8/4/2009

**Meares, Shannon R.**

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**From:** Smith Jeffery [jsmith@iamaw.org]  
**Sent:** Monday, August 03, 2009 8:43 PM  
**To:** Meares, Shannon R.  
**Subject:** NLRB Case No. 11-RD-723

Dear Ms. Meares:

I was out of the office today until 3:00 pm CST. I do not have a position at this time. We are investigating issues regarding the petition we received.

As soon as I have more information I will be able to discuss this case with you. At this time I'm unprepared to present our position. I hope I will be able to contact you tomorrow afternoon regarding this case.

If you need to call me before I call you, you can best reach me at (469) 766-9372.

Sincerely,

Jeffery M. Smith  
Grand Lodge Representative  
IAMAW

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Notice: This message is intended for the addressee only and may contain privileged and/or confidential information. Use or dissemination by anyone other than the intended recipient is prohibited.

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8/4/2009



INTERNET  
FORM NLRB-501  
(9-07)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

## DO NOT WRITE IN THIS SPACE

Case

11-CA-22413

Date Filed

9/1/09

## INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in Item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer The Boeing Company d/b/a Boeing Charleston		b. Number of workers employed 288
c. Address (Street, city, state, and ZIP code) 3455 Airframe Drive, Bldg. 100 North Charleston, SC 29418	d. Employer Representative David Ray Human Resources Manager	e. Telephone No. (843) 789-8404 Fax No. (843) 789-8457
f. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. Identify principal product or service Design, manufacture and non-retail Sale of aircraft fuselage subassemblies	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) <u>(5)</u> of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named employer, through its officers, agents and representatives, has interfered with, restrained and coerced, and is interfering with, restraining and coercing employees of The Boeing Company in the exercise of their rights guaranteed in Section 7 by these and other acts:

Since on or about July 30, 2009, the Employer has unlawfully and unilaterally changed the terms and conditions of employment at its North Charleston, SC, facility. Specifically, the Employer has imposed new restrictions on access to its facility by Union representatives.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO

## 4a. Address (Street and number, city, state, and ZIP code)

1111 W. MOCKINGBIRD LANE, SUITE 1357, DALLAS, TX 75247

## 4b. Telephone No.

(214) 638-6543

## Fax No.

(214) 637-2803

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Jeffery M. Smith  
(Signature of representative or person making charge)

JEFFERY M. SMITH / GRAND LODGE REP.

(Print/Type name and title or office, if any)

Address 1111 W. MOCKINGBIRD LANE, SUITE 1357, DALLAS, TX 75247(fax) (214) 637-2803(214) 638-6543

(Telephone No.)

August 31, 2009

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

~~ORAL~~ WITHDRAWAL REQUEST

Case Name The Boeing Co., OBA Boeing Charleston Case No. 11-CA-22413

On 10.2.09, the Charging Party in the above case, by its representative, I AM Grand Lodge Rep. Jeff Smith <sup>EMAIL</sup> in a ~~telephone~~ conversation with Board Agent Danahue, requested that the above charge be withdrawn and authorized a withdrawal of the charge on an oral basis. Written confirmation to follow.

D Danahue FK  
Board Agent

APPROVED BY:

Willie L. Clark  
Regional Director

10/8/09  
Date

**Donahue, Kathleen**

---

**From:** Smith Jeffery [jsmith@iamaw.org]  
**Sent:** Friday, October 02, 2009 11:32 AM  
**To:** Donahue, Kathleen  
**Subject:** Withdrawal of ULP charge

Dear Ms. Donahue:

I am withdrawing the remaining ULP charge with a caveat.

I have attempted to call my boss on several occasions, but with no success. On one occasion I got through, but could not hear what he was saying.

Since we have sufficient time to refile, I will withdraw the charge at this time.

Sincerely,

Jeffery M. Smith  
Grand Lodge Representative  
IAMAW

Cell: (469) 766-9372

---

Notice: This message is intended for the addressee only and may contain privileged and/or confidential information. Use or dissemination by anyone other than the intended recipient is prohibited.

---

**Donahue, Kathleen**

---

**From:** Donahue, Kathleen  
**Sent:** Thursday, September 24, 2009 12:39 PM  
**To:** 'Smith Jeffery'  
**Subject:** RE: 11-CA-22416 Withdrawal Request

We'll process as withdrawal. Thanks. Do you still want to go forward with Case 11-CA-22413 (new restrictions on access to facility by union reps)? Let me know ASAP. Thanks.

---

**From:** Smith Jeffery [mailto:jsmith@iamaw.org]  
**Sent:** Monday, September 21, 2009 1:14 AM  
**To:** Donahue, Kathleen  
**Subject:** 11-CA-22416 Withdrawal Request

Dear Ms. Donahue:

Please consider this our request to withdraw ULP charge 11-CA-22416.

My secretary is out of the office this week and I am out of the office on assignment.

You may be able to reach me by cell phone at (469) 766-9372, however reception where I am is not good.

Sincerely,

Jeffery M. Smith  
Grand Lodge Representative  
IAMAW

---

Notice: This message is intended for the addressee only and may contain privileged and/or confidential information. Use or dissemination by anyone other than the intended recipient is prohibited.

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9-30  
100  
p

(b) (5)



9/28/2009

FORM EXEMPT UNDER 44 U.S.C. 3512

Form NLRB-501  
(9-07)

**United States of America  
National Labor Relations Board  
CHARGE AGAINST EMPLOYER**

**DO NOT WRITE IN THIS SPACE**Case **11-CA-22416**Date Filed  
**9/3/09****INSTRUCTIONS:**

File an original and 4 copies of this charge with the NLRB Regional Director for the region in which the alleged Unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer

The Boeing Company d/b/a Boeing Charleston

b. Number of workers employed

APPROX. 288

c. Address (Street, city, state, and ZIP code)

3455 Airframe Drive, Bldg. 100  
North Charleston, SC 29418

d. Employer Representative

David Ray  
Human Resources Managere. Telephone No.  
(843) 789-8404Fax No.  
(843) 789-8457f. Type of Establishment (factory, mine, wholesaler, etc.)  
Factory

g. Identify principal product or service

Design, manufacture and non-retail sale of aircraft fuselage subassemblies

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the last six months, the above-named Employer, through its officers, agents and representatives, has interfered with, restrained and coerced, and is interfering with, restraining and coercing employees of The Boeing Company d/b/a Boeing Charleston in the exercise of their rights guaranteed in Section 7 of the Act.

Within the last six months, the Employer, by its officers, agents, and representatives, has failed and refused to provide requested information which is relevant and necessary for collective bargaining.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)****INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO**

4a. Address (street and number, city, state, and ZIP code)

1111 W. MOCKINGBIRD LANE, SUITE 1357, DALLAS, TX 75247

4b. Telephone No.

(214) 638-6543

Fax No.

(214) 638-6082

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Jeffery M. Smith  
(Signature of representative or person making charge)**Jeffery M. Smith, Grand Lodge Representative**  
(Print type name and title or office, if any)Telephone No. **(214) 638-6543**Facsimile No. **(214) 637-2803**Address **1111 W. Mockingbird Lane, Suite 1357  
Dallas, TX 75247**Date **September 3, 2009**

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74842-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS

## DO NOT WRITE IN THIS SPACE

Case

11-CB-3993

Date Filed

11/21/08

INSTRUCTIONS: File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name

International Association of Machinists and Aerospace Workers, AFL-CIO

b. Union Representative to contact

Jeffery M. Smith, Grand Lodge  
Representative

c. Telephone No.

214-638-6543

d. Address (street, city, state and ZIP code)

1111 W. Mockingbird Lane, Suite 1357, Dallas, TX 75247

Fax No.

214-637-2803

The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 7, 2008, the above-named labor organization has failed to meet its duty of fair representation, by failing to follow the proper procedures for contract ratification.

3. Name of Employer

Vought Aircraft Industries

4. Telephone No. 843-789-8000

Fax No. 843-789-8457

5. Location of plant involved (street, city, state and ZIP code)

3455 Airframe Drive, N. Charleston, SC 29418

6. Employer representative to contact

Joy Romero, Vice President

7. Type of establishment (factory, mine, wholesaler, etc.)

Factory

8. Identify principal product or service

Aircraft manufacturing

9. Number of workers employed

approx. 250

10. Full name of party filing charge

(b) (6), (b) (7)(C)

11. Address of party filing charge (street, city, state and ZIP code)

(b) (6), (b) (7)(C)

12. Telephone No. (b) (6), (b) (7)(C)

Fax No.

(b) (6), (b) (7)(C)

## 13. DECLARATION

By

I declare that the statements therein are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C) an Individual

(Print type name and title or office, if any)

Address (b) (6), (b) (7)(C)

(fax) (b) (6), (b) (7)(C)

(Telephone No.)

X

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U. S. CODE, TITLE 18, SECTION 1001) I.O.

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
APPEAL FORM

RECEIVED  
NATIONAL LABOR  
RELATIONS BOARD

Date: 2-21-89 FEB 21 P 2 34

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
Room 8820, 1099 14th Street, N.W.  
Washington, D.C. 20570

OFFICE OF APPEALS

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

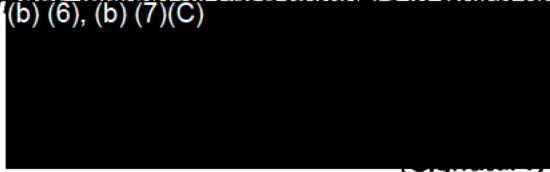
1AM, 11-CB-3993

Case Name(s).

11-CB-3993

Case No(s). (If more than one case number, include all case numbers in which appeal is taken.)

(b) (6), (b) (7)(C)



I hereby request an appeal of the dismissal concerning how The Company removed the majority of benefits employees were receiving and the IAMAW (AFL-CIO) coerced a hand picked minority of union members to vote in said contract, disenfranchising the vast majority of members. Violating Section 8b1A of the National Labor Relations Act.



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

June 24, 2009

Re: International Association of Machinists  
and Aerospace Workers, AFL-CIO  
(Vought Aircraft Industries)  
Case No. 11-CB-3993

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

Your appeal from the Acting Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

Insufficient evidence was presented or disclosed to establish that the Union breached its duty of fair representation to you by failing to follow proper procedures for contract ratification, as alleged. The evidence established that on November 8, 2007, the Union was certified as the collective bargaining representative of the bargaining unit employees. Throughout 2008 the parties negotiated for an initial contract. At a November 7, 2008 meeting, the majority of the members in attendance voted to ratify the proposed contract. The evidence adduced in the investigation failed to establish that the Union has any codified procedures for holding a ratification vote. However, you have asserted that the Union failed to follow proper procedures for contract ratification because, inter alia, the Union deemed the contract had been ratified even though only a small percentage of the membership voted for ratification. Under the National Labor Relations Act, a union is free to negotiate and make binding agreements, with or without the formal consent or ratification of bargaining unit employees. Moreover, if a union chooses to seek employee ratification, it is for the union to determine what constitutes ratification of a contract. See *M & M Oldsmobile, Inc.*, 156 NLRB 903, 905 (1966); *Longshoremen ILA Local 1575 (Navieras, NPR)*, 323 NLRB 1336 (2000). Therefore, it could not be established that the Union engaged in conduct violative of the Act. Accordingly, further proceedings are unwarranted.

Sincerely,

Ronald Meisburg  
General Counsel

By \_\_\_\_\_  
Yvonne T. Dixon, Director  
Office of Appeals



cc: Willie L. Clark, Jr., Regional Director  
National Labor Relations Board  
P.O. Box 11467  
Winston-Salem, NC 27116

Jeffery M. Smith  
Grand Lodge Representative  
International Association of Machinists  
and Aerospace Workers, AFL-CIO  
1111 West Mockenbird Lane, Suite 1357  
Dallas, TX 75247

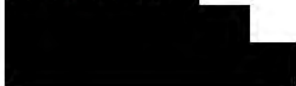
Christopher Corson  
International Association of Machinists  
and Aerospace Workers, AFL-CIO  
9000 Machinists Place, Room 202  
Upper Marlboro, MD 20772

btb

Joy Romero, Vice-President  
Vought Aircraft Industries  
3455 Airframe Drive, North  
Charleston, SC 29418

Doreen S. Davis, Esq.  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering several lines of text.

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, January 08, 2009 10:41 AM  
**To:** Dunn, Jenny  
**Subject:** Fwd: IAM in N CHARLESTON

---

**From:** OLMS-Public@dol.gov  
**To:** (b) (6), (b) (7)(C)  
**Sent:** 12/3/2008 9:45:03 A.M. Eastern Standard Time  
**Subj:** RE: IAM in N CHARLESTON

The issues that you raise are not covered by any law administered by this office, the U.S. Department of Labor's Office of Labor-Management Standards (OLMS). OLMS enforces a law that regulates certain aspects of internal union affairs such as the election of union officers and the reporting of union finances. We are sorry that we could not be of assistance to you.

You may want to contact the National Labor Relations Board (NLRB) regarding your union's alleged failure to provide adequate representation. The NLRB is a separate Federal agency that administers the National Labor Relations Act (NLRA) which, among other things, prescribes rules and procedures regarding unfair labor practices and labor-management relations in the private sector. The Secretary of Labor has no authority to intervene in NLRB matters. You can obtain additional information regarding the NLRB and the laws that Agency administers as well as a list of NLRB field offices at <http://www.nlr.gov/>.

This response is for information purposes only and does not constitute an official communication of the U.S. Department of Labor.

OLMS 25

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, December 02, 2008 2:55 PM  
**To:** OLMS-Public - ESA  
**Subject:** IAM in N CHARLESTON

I'm writing you to investigate the emergency meeting called for by the IAM. (International Association of Machinists and Aerospace Workers)

IAM spokesman Robert Wood said Thursday that the contract was ratified by about 92 percent of the eligible voting members who attended an emergency meeting Nov. 7.

Citing union policy, he declined to disclose how many Vought workers cast ballots. He also would not confirm claims from several employees that the number was as low as 13, with one voting against the contract.

Some IAM members felt left out of the process. On Wednesday, as the union was preparing to meet in North Charleston, The Post and Courier observed at least two Vought workers complaining openly to an official at the door that they were never told about the contract vote ahead of time.

Wood said advance notice went out, including an announcement on the shop floor.

I work at vought and I was notified not by a announcement on the shop floor as stated. A fellow union member told me at 2:30pm the a union meeting was being held at 4pm the same day. All that was said is it was important. Once I arrived there there was only 13 people the currently worked there and 2 people that were currently laid off. We were told that they pulled the contract off the table and because of lay offs that would be announced on the following monday. We were told that for us to get our jobs back after the lay off that we had to vote on the contract "as is". The company employees around 300 employees in N. Charleston, so the 13 people that were told out of the at least 150 union members sealed the fate for all workers at Vought. Come to find out that the union officials were up against there own time clock of midnight nov. 7th. Which is the anniversary date of union being voted in. As of Nov 8th the union could be voted out of Vought. So they hurried up with a vote. Not giving adequate notice to all members that they were voting on the contract. In fact several didn't get any notice that a meeting was being held at all. I think they selected the 12 people that would vote to save the union and never told several union members about the meeting or vote at all. Look forward to hearing from you,

I can be reached by cell (b) (6), (b) (7)(C)

Signed

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

---

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FORM EXEMPT UNDER 44 U.S.C. 3512

Form NLRB-501  
(9-07)

**United States of America  
National Labor Relations Board  
CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case 11-CA-21991	Date Filed 7-11-08

**INSTRUCTIONS:**

File an original and 4 copies of this charge with the NLRB Regional Director for the region in which the alleged Unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer  VOUGHT AIRCRAFT INDUSTRIES		b. Number of workers employed  APPROX. 97
c. Address (Street, city, state, and ZIP code)  3455 AIRFRAME DR. NORTH CHARLESTON, SC 29418-8953	d. Employer Representative  JOY ROMERO VICE PRESIDENT	e. Telephone No. (843) 789-8000  Fax No. (843) 789-8457
f. Type of Establishment (factory, mine, wholesaler, etc.) FACTORY	g. Identify principal product or service AIRCRAFT MANUFACTURER	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Within the last six months, the above-named Employer, through its officers, agents and representatives, has interfered with, restrained and coerced, and is interfering with, restraining and coercing employees of Vought Aircraft Industries in the exercise of their rights guaranteed in Section 7 of the Act.</p> <p>On or about (b) (6), (b) (7)(C) 2008, the Employer, through its officers, agents, or representatives, discriminatorily discharged (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) Union and/or protected concerted activities and in retaliation for (b) (6), (b) (7)(C) support of the Union.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number)		
INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO		
4a. Address (street and number, city, state, and ZIP code)  1111 W. MOCKINGBIRD LANE, SUITE 1357, DALLAS, TX 75247		4b. Telephone No. (214) 638-8543  Fax No. (214) 638-6092
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By  (Signature of representative or person making charge)	Jeffery M. Smith, Grand Lodge Representative (Print type name and title or office, if any)	
Address 1111 W. Mockingbird Lane, Suite 1357 Dallas, TX 75247	Telephone No. (214) 638-6543	Facsimile No. (214) 637-2803
	Date	July 11, 2008

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. 161 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 11  
4035 University Parkway – Suite 200  
Winston-Salem, NC 27106-3325

Telephone: 336-631-5201  
Fax No.: 336-631-5210  
Direct Telephone: 336-631-5216  
Email: jenny.dunn@nlrb.gov

Sent via facsimile and regular mail

July 31, 2008

Mr. Ross H. Friedman, Esq.  
Morgan, Lewis & Bockius, LLP  
77 West Wacker, Fifth Floor  
Chicago, Illinois 60601-5094

Re: Vought Aircraft Industries  
Case: 11-CA-21991

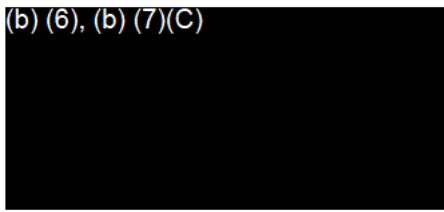
Dear Mr. Friedman:

As you are aware, the unfair labor practice charge in case 11-CA-21991 was filed against Vought Aircraft Industries (the Employer) by International Association of Machinists and Aerospace Workers, AFL-CIO (the Union).

Under the procedures of the Board, an investigation is conducted upon the allegations set forth in the charge to determine what, if any, merit they might have. Based upon the evidence adduced during the course of the investigation, a decision is made by the Regional Office as to whether or not there is reasonable cause to believe that the Act has been violated. You undoubtedly would like to have the Region consider the responses of the Employer to the allegations when the determination is made upon the merits of them.

Accordingly, and in accordance with the established policies and practices of the Board, and to facilitate the presentation of the response by the Employer, I request the opportunity to interview and take affidavits from all individuals who have any direct knowledge of the material and relevant facts pertaining to the allegations of the charge. Based upon the evidence disclosed thus far, I am specifically requesting the opportunity to interview the following individuals:

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the names of the individuals requested for interview.

The charge alleges that the Employer violated Sections 8(a)(1) and (3) of the National Labor Relations Act on or about (b) (6), (b) (7)(C) 2008, by discharging (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) Union activities and support and/or (b) (6), (b) (7)(C) protected concerted activities.

Specifically, the Charging Party alleges that on or about (b) (6), (b) (7)(C) 2008, the Employer discharged (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) union activities and open support of the Union, and because of (b) (6), (b) (7)(C) protected concerted activities involving safety concerns at the Employer's facility. The Charging Party contends that the incident involving the mandrel manipulator, which occurred on or about (b) (6), (b) (7)(C) 2008, was due to a malfunction, and that the mandrel manipulator at issue has had previous malfunctions of which the Employer was aware and which were not correctly or completely repaired, including on or about the day prior to the incident at issue. The Charging Party further contends that (b) (6), (b) (7)(C) discharge was disparate, in that other individuals employed by the Employer have been involved in accidents or incidents similar to (b) (6), (b) (7)(C) which did not result in discharge.

Please provide the Employer's response and evidence as to the above allegations. Please also provide any documentary evidence in the Employer's possession, including but not limited to:

- (1) A written explanation as to the reason(s) for (b) (6), (b) (7)(C) termination;
- (2) Any and all documentation in the Employer's possession obtained or created by the Employer during its investigation whether to discharge (b) (6), (b) (7)(C) including, but not limited to, all documentation referenced by the Employer during any investigatory meetings;
- (3) Any and all documentation in the Employer's possession concerning (b) (6), (b) (7)(C) employment and (b) (6), (b) (7)(C) discharge, including, but not limited to, any documentation that would indicate the reason(s) for (b) (6), (b) (7)(C) discharge;
- (4) The complete personnel file for (b) (6), (b) (7)(C) including, but not limited to, any disciplinary, attendance, training, safety, and performance records located within the file;
- (5) Any and all correspondence exchanged between the Employer and the Union or (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) discharge or the investigation into (b) (6), (b) (7)(C) discharge;
- (6) A written explanation as to any and all programming of codes or functions that has occurred in the past six months on the pendant computer on the mandrel manipulator at issue, specifically including the name(s) and title(s) of the individuals programming the codes or functions, the date the programming occurred, how the code or function is accessed, and what action the code or function completes;
- (7) Any and all documentation in the Employer's possession that would indicate what codes and functions have been programmed on the pendant computer of the mandrel manipulator at issue within the past six months;

- (8) Any and all documentation in the Employer's possession that would indicate the training on the mandrel manipulator at issue received by (b) (6), (b) (7)(C) and all other employees who have operated the mandrel manipulator at issue within the past three years;
- (9) A written explanation as to which individuals were granted access to the pendant computer for the mandrel manipulator at issue since the incident at issue, specifically including the names and titles of the individuals, the dates of access, the purpose of the access, and any functions completed by the individual(s) who had access to the pendant;
- (10) Any and all documentation in the Employer's possession regarding any problems with the functioning of the mandrel manipulator at issue, specifically including, but not limited to, any and all notes taken by the Employer regarding the functioning of the mandrel manipulator, any and all complaints voiced by employees regarding the mandrel manipulator, and any and all service records relating to the functioning of the mandrel manipulator;
- (11) All documentation in the Employer's possession pertaining to any investigation(s) completed by the Employer within the last 2 years into accidents that have occurred at this facility;
- (12) A list of employees disciplined or discharged by the Employer at this facility within the past 3 years for their involvement in accidents or incidents similar to the incident at issue involving the mandrel manipulator, including each employee's name and job title, the reason(s) for the discipline or discharge, and any and all available documentation explaining the reason(s) for discipline or discharge;
- (13) A list of employees who, within the past 3 years, have been involved in accidents or incidents similar to the incident at issue involving the mandrel manipulator;
- (14) The Employer's rules and regulations, employee handbook, Human Resources, and/or policy manual, specifically including, but not limited to, the Employer's disciplinary policy;
- (15) The Employer's written position as to whether 10(j) relief is warranted in this matter, as requested in my letter dated July 21, 2008; and
- (16) A completed commerce questionnaire (NLRB Form 5081), a blank copy of which is enclosed.

In addition to the above named individuals, I am also willing to interview anyone else whom you would like to present who may have direct knowledge of facts bearing upon the allegations. Consistent with the Board's investigative policy, I encourage your full and complete cooperation in promptly making the witnesses available for me to interview. To afford you with a reasonable opportunity to present your full evidence in response to the allegations, I will make myself available to interview your witnesses.



In accordance with the well established practice of the Board investigating and deciding the merits of an unfair labor practice charge within a reasonable prompt time from the date of its filing, your full and complete cooperation will be greatly appreciated in presenting witnesses and/or submitting any other evidence and any position statement on the issues which you wish us to consider by no later than the close of business **August 8, 2008**. Should I not receive your evidence and statement of position in response to the allegations by the above date, I will have to present the case for Regional determination based solely upon evidence otherwise available.

I must advise you that submission of a position letter, or memorandum, or the submission of affidavits not taken by a Board agent does not constitute full and complete cooperation. However, any evidence you may wish to submit, such as a statement of position, affidavits not taken by a Board agent, and/or other documents will be considered when a determination is made upon the merits of the allegations although such submissions may not be accorded the same weight as affidavits taken by a Board agent. Accordingly, I ask that you contact me as soon as possible so that the necessary arrangements can be made in order for you to present all evidence, including witnesses for the purpose of giving affidavits, by close of business **August 8, 2008**. Absent the submission of such evidence, the Regional Director will make his decision based on the evidence available.

Sincerely,

  
Jenny Dunn  
Field Examiner



FORM NLRB-501  
(06-07)

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 11-CA-21991	Date Filed 8-21-08

## INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Vought Aircraft Industries	b. Number of workers employed approx. 97	
c. Address (street, city, state, ZIP code) 3455 Airframe Drive, North Charleston, SC 29418-8953	d. Employer Representative Joy Romero, Vice President	e. Telephone No. 843-789-8000 843-789-8457 Fax No. 843-789-8457
f. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. Identify principal product or service Aircraft manufacturing	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1)(B) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
On or about (b) (6), (b) (7)(C) 2008, the above-named employer discriminatorily disciplined employee (b) (6), (b) (7)(C) because of and in retaliation for (b) (6), (b) (7)(C) Union activities and support and/or (b) (6), (b) (7)(C) protected concerted activities.		
On or about (b) (6), (b) (7)(C) 2008, the above-named employer discriminatorily discharged employee (b) (6), (b) (7)(C) because of and in retaliation for (b) (6), (b) (7)(C) Union activities and support and/or (b) (6), (b) (7)(C) protected concerted activities.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Association of Machinists and Aerospace Workers, AFL-CIO		
4a. Address (street and number, city, state, and ZIP code) 1111 W. Mockingbird Lane, Suite 1357, Dallas, TX 75247	4b. Telephone No. 214-638-6543 214-638-6092 Fax No. 214-638-6092	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Association of Machinists and Aerospace Workers, AFL-CIO		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By <u>Jeffery M. Smith</u> (signature of representative or person making charge)	Jeffery M. Smith, Grand Lodge Representative (print/type name and title or office, if any)	
Address 1111 W. Mockingbird Lane, Suite 1357, Dallas, TX 75247	(fax) 214-638-6543 214-638-6092 (Telephone No.)	8/21/08 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U. S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set



**Dunn, Jenny**

**From:** Friedman, Ross H. [rfriedman@morganlewis.com]  
**Sent:** Wednesday, September 10, 2008 4:46 PM  
**To:** Dunn, Jenny  
**Subject:** Vought Aircraft Industries, 11-CA-21991

Jenny:

The following responds both to your follow-up e-mail to me regarding disparate treatment, and the First Amended Charge in this matter.

**Disparate Treatment Issue**

You requested examples of other employees who have been disciplined or discharged for similar incidents to (b) (6), (b) (7)(C) or an indication whether similar incidents had occurred. Specifically, you asked for information on the following:

(b) (6), (b) (7)(C) - dropped and damaged call plate  
 (b) (6), (b) (7)(C) - 3 accidents involving a bin  
 (b) (6), (b) (7)(C) - JLG lift machine damaging bonding room door

Initially, as explained more fully below, the Company's position is that (b) (6), (b) (7)(C) incident is not similar to any other incident that has occurred since the Charleston plant opened in 2006, for four main reasons. First, (b) (6), (b) (7)(C) incident nearly resulted in the serious injury or death of another employee. No other incident at Charleston has nearly resulted in serious injury or death of an employee. Second, (b) (6), (b) (7)(C) gross negligence resulted in an estimated cost to the Company of over \$567,000.00. None of the employees listed below has caused even close to this level of damage to Company property. Third, (b) (6), (b) (7)(C) had been disciplined on four previous occasions within the previous 15 months. No other employee had been disciplined on five occasions. Finally, during the investigation into (b) (6), (b) (7)(C) gross negligence, (b) (6), (b) (7)(C) repeatedly lied to the Company, distinguishing (b) (6), (b) (7)(C) incident even further from any other less serious incident.

(b) (6), (b) (7)(C)  
 (b) (6), (b) (7)(C) was involved in two incidents of careless work. On (b) (6), (b) (7)(C) 2007, (b) (6), (b) (7)(C) struck a barrel with a JLG machine. On (b) (6), (b) (7)(C), 2007, (b) (6), (b) (7)(C) struck a garage door. Both incidents involved minor damage of less than \$5,000. Neither incident resulted in any injury. As a result of these incidents (which were considered under the "General" offense of "[s]ubstandard, careless or inefficient work" (see Exhibit 1 to the Company's August 8, 2008 letter, p. 51)), (b) (6), (b) (7)(C) was given a written warning, as provided in the Company's progressive discipline policy. (b) (6), (b) (7)(C) incidents pale in comparison to (b) (6), (b) (7)(C) gross negligence and dishonesty. In addition, (b) (6), (b) (7)(C) disciplinary history did not compare with (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
 (b) (6), (b) (7)(C) was involved in minor incidents involving the a Brotje machine. After investigation, it was determined that the incidents were caused by machine error, and not operator error. As a result, (b) (6), (b) (7)(C) was not disciplined.

(b) (6), (b) (7)(C)  
 (b) (6), (b) (7)(C) has been involved in two incidents of careless and/or negligent work. On (b) (6), (b) (7)(C) 2008, (b) (6), (b) (7)(C) failed to remove used OH tooling balls and laser targets. Based on this incident, (b) (6), (b) (7)(C) was given a "First Written Warning Notice" under the Company's progressive discipline policy for violating "General"

9/11/2008



offense #3, "[s]ubstandard, careless or inefficient work."

On (b) (6), (b) (7)(C) 2008, (b) (6), (b) (7)(C) was involved in a more serious incident in which (b) (6), (b) (7)(C) actions caused damage to a "caul sheet." The Company estimated the damage caused by (b) (6), (b) (7)(C) negligence to be approximately \$115,000.00. Immediately after the incident, (b) (6), (b) (7)(C) took full responsibility for (b) (6), (b) (7)(C) negligence. As a result of this incident, which the Company considered to fall under "Major" offense #3 of the Company's progressive discipline policy, "[g]ross negligence in performing duties," (b) (6), (b) (7)(C) was suspended for eight (8) working days, without pay, and given a "Final Written Warning Notice."

(b) (6), (b) (7)(C) is not comparable to (b) (6), (b) (7)(C). First, (b) (6), (b) (7)(C) gross negligence resulted in substantially more damage than (b) (6), (b) (7)(C) incident. Second, (b) (6), (b) (7)(C) accepted full responsibility for (b) (6), (b) (7)(C) actions, while (b) (6), (b) (7)(C) lied and tried to deflect the blame from (b) (6), (b) (7)(C). Finally, (b) (6), (b) (7)(C) had one previous disciplinary incident, while (b) (6), (b) (7)(C) had four previous disciplinary incidents.

### **First Amended Charge**

On August 21, 2008, the Union amended its Charge to add a claim that "[o]n or about (b) (6), (b) (7)(C) 2008, the above-named employer discriminatorily disciplined employee (b) (6), (b) (7)(C) because of and in retaliation for (b) (6), (b) (7)(C) Union activities and support and/or (b) (6), (b) (7)(C) protected concerted activities." (b) (6), (b) (7)(C) was disciplined on (b) (6), (b) (7)(C) for "[s]ubstandard, careless or inefficient work" based on two incidents that had occurred in (b) (6), (b) (7)(C) 2008. This discipline is detailed on pages 4-5 of my August 8, 2008 letter to you. In response to the new allegation in the First Amended Charge, the Company incorporates all the arguments in my August 8, 2008 letter to you.

In addition to the arguments stated in my August 8, 2008 letter to you, the new allegation is time-barred. Section 10(b) of the NLRA provides, *inter alia*, that "no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge." The new allegation in the First Amended Charge concerns conduct that took place more than six months prior to the filing of the charge. It is my understanding from you that the Union has argued that the two allegations are "closely related," and that therefore the new allegation is not time-barred. However, to take advantage of the "closely related" doctrine and overcome the 10(b) defense, a charging party must show that the allegations arise from the same factual situation or sequence of events. *WGE Fed. Credit Union*, 346 NLRB 982 (2006); *Redd-I, Inc.*, 290 NLRB 1115 (1988). Here, the (b) (6), (b) (7)(C) discipline and the (b) (6), (b) (7)(C) discipline do not arise from the same factual situation or sequence of events. Both dealt with completely separate incidents of negligent work by (b) (6), (b) (7)(C) and different supervisors were involved in each incident. In short, other than the fact that they both involve instances of negligent work by (b) (6), (b) (7)(C) they bear no relation to each other. Accordingly, the (b) (6), (b) (7)(C) allegation is time-barred.

Please contact me if you have any additional questions.

Thanks-  
Ross

### **Ross H. Friedman**

Morgan, Lewis & Bockius LLP  
77 West Wacker Drive | Chicago, IL 60601-5094  
Direct: 312.324.1172 | Main: 312.324.1000 | Fax: 312.324.1001  
www.morganlewis.com  
Assistant: Linda Leslie | 312.324.1173 | lleslie@morganlewis.com

### **IRS Circular 230 Disclosure**

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. For information about why we are required to include this legend in emails, please see <http://www.morganlewis.com/circular230>

9/11/2008

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## First Written Warning Notice

(b) (6), (b) (7)(C), 2007

To: (b) (6), (b) (7)(C) EE# (b) (6), (b) (7)(C)

At Vought Aircraft Industries, Inc., each employee is responsible for both the integrity and the consequences of his or her own actions.

Following the recent investigation of the incident that occurred on (b) (6), (b) (7)(C) 2007 between you and (b) (6), (b) (7)(C), it has been established that you have committed the following general offense, as found in the Vought Employee Handbook, "Standards of Personal Conduct and Disciplinary Procedures", page 54, items 20 & 22:

*(20) Creating, encouraging, or participating in disorder, violence, or any other activity in which the intent or result is the disruption or interference with the conduct of company business or the performance of working duties of others.*

*(22) Threatening, intimidating, coercing, harassing, or interfering with any employees in the performance of their duties both on and off company premise.*

As you are aware, our formal disciplinary policy is progressive and cumulative. Committing successive offenses will result in the next step of disciplinary action, up to and including discharge.

As a Vought employee it is important that you know that the Employee Assistance Program is available at 1.866.296.5800.

SUPERVISOR	(b) (6), (b) (7)(C)	DATE:	(b) (6), (b) (7)(C) 02
MANAGER:	(b) (6), (b) (7)(C)	DATE:	(b) (6), (b) (7)(C) 07
EMPLOYEE	(b) (6), (b) (7)(C)	DATE:	(b) (6), (b) (7)(C) 07





Vought Aircraft Industries, Inc.  
3455 Airframe Drive, Building 100  
North Charleston, SC 29418

## Second Written Warning Notice

(b) (6), (b) (7)(C), 2008

To: (b) (6), (b) (7)(C) EE# (b) (6), (b) (7)(C)

At Vought Aircraft Industries, Inc., each employee is responsible for both the integrity and the consequences of his or her own actions.

Incident #1 Following the investigation of two very similar incidents that occurred on (b) (6), (b) (7)(C), 2008 and (b) (6), (b) (7)(C) 2008 respectively, where you did not follow proper sequence assembling on the 48-12 barrel (w/o#00000101182) and the 47-13 barrel (w/o#00000101278). In both cases the same negligence had occurred. In accordance with the work instructions, you are to check the seal after loading the segments. It was found that you did not verify this item. Because you neglected these steps, you did not notice that the outside vacuum bag was caught in the seam between two mandrel segments.

Incident #2 Following the investigation of the incident that occurred on (b) (6), (b) (7)(C) 2008, you were responsible for incorrectly loading two segments sequentially (UR upper right and LL lower left) in the 48-12 barrel (w/o#00000101182). This was directly contrary with the proper work instructions, and caused the unplanned time of unloading and reloading the segments.

It has been established that you have committed the following general offense for both incidents, as found in the Vought Employee Handbook, "Standards of Personal Conduct and Disciplinary Procedures", page 51, item 3:

(3) *Substandard, careless or inefficient work.*

As you are aware, our formal disciplinary policy is progressive and cumulative. Committing successive offenses will result in the next step of disciplinary action, up to and including discharge.

As a Vought employee it is important that you know that the Employee Assistance Program is available at 1.866.269.(b) (6), (b) (7)(C)

SUPERVISOR:

DATE:

(b) (6), (b) (7)(C)

08

MANAGER:

DATE:

(b) (6), (b) (7)(C)

08

EMPLOYEE:

DATE:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

REFUSED TO SIGN WITHOUT REPRESENTATIVE

(b) (6), (b) (7)(C)

HUMAN RESOURCE:

DATE:

(b) (6), (b) (7)(C)

08



Documentation of Discussion

Expected Behavior

TO: (b) (6), (b) (7)(C)

DATE (b) (6), (b) (7)(C) 2007

EMPLOYEE (b) (6), (b) (7)

SUPERVISOR CONDUCTING DISCUSSION: (b) (6), (b) (7)(C)

On (b) (6), (b) (7)(C) 2007 (b) (6), (b) (7)(C) was confronted by (b) (6), (b) (7)(C) supervisor re-entering the building 5 minutes prior to the end of (b) (6), (b) (7)(C) shift. When questioned what (b) (6), (b) (7)(C) was doing outside of the building, (b) (6), (b) (7)(C) replied that (b) (6), (b) (7)(C) had to put an item in (b) (6), (b) (7)(C) car. When questioned as to why (b) (6), (b) (7)(C) could not wait 5 more minutes, (b) (6), (b) (7)(C) response was a simple "Ok (b) (6), (b) (7)(C)".

The previous day (b) (6), (b) (7)(C) was caught using (b) (6), (b) (7)(C) cell phone in the autoclave. As a result, the next morning, during shift start up it was emphasized to the group, that the use of cell phones (and internet) is not acceptable; and that company time was not to be used for personal reasons.

This memo is recording the first verbal warning regarding personal conduct (misuse of cell phones and company time). Failure to correct this behavior may result in further disciplinary action including the possibility of termination of employment.

(b) (6), (b) (7)(C)

SUPERVISOR

(b) (6), (b) (7)(C)

EMPLOYEE



**VAI PRODUCTION AND MAINTENANCE  
INDIVIDUAL PERFORMANCE EVALUATION**

				PERFORMANCE PERIOD	
				FROM: (b) (6)	TO: (b) (6)
EMPLOYEE NAME (b) (6), (b) (7)(C)	EMP. NO. (b) (6), (b) (7)(C)	DIV.	ORG. NO.	JOB CODE	JOB TITLE (b) (6), (b) (7)(C)

**I. POSITION RESPONSIBILITIES:** Summarize key duties, responsibilities and specific work assignments for which the employee is accountable.

(b) (6), (b) (7)(C) has been tasked with the primary responsibility of operating the Mandrel Handler. In addition to this (b) (6), (b) (7)(C) also is training on autoclave operations.

**II. ASSESSMENT OF WORK STYLE EFFECTIVENESS:** Manager, evaluate the process and manner which characterize the employee's approach to his or her work. Mark the applicable box.

	Needs Improvement	Competent	Commendable	Outstanding
1) Job knowledge - Understands the overall requirements of the job.			X	
2) Initiative - Executes independent action and organizes own work self starter.			X	
3) Quality of work - Produces acceptable work which meets established goals.			X	
4) Quantity of work - Maintains productivity in accordance with established standards.			X	
5) Attendance - Maintains established attendance standards.				X
6) Interpersonal skills - Demonstrates willingness to work for and with others. Treats others with respect and understanding; addresses problems, challenges and obstacles positively and constructively; maintains self control and composure in difficult situations; communicates effectively with others.			X	X (8/06)
7) Safety - Follows safety rules, uses appropriate safety equipment and devices.		X		
8) Communication - Understands instructions, ability to communicate effectively with supervision and co-workers, keeps supervision informed of job status / problems.			X	X (8/06)
9) Teamwork and process improvement (if applicable) shares ideas, information and knowledge that will improve individual and / or workgroup productivity and quality performance; participates constructively on teams; uses time equipment, and material in a cost effective manner.			X	

Outstanding accomplishments or other comments:

**III. OVERALL PERFORMANCE RATINGS:** Manager, mark applicable box; consider employee's performance with respect to Position Responsibilities and Work Style Effectiveness.

NEEDS IMPROVEMENT

☐

COMPETENT

☐

COMMENDABLE

X

OUTSTANDING

☐

**IV. COMMENTS EXPLAINING OVERALL PERFORMANCE RATING:** Manager, explain reasons for Overall Performance Rating. Be specific when addressing areas of concern. A performance improvement plan must be detailed for an Overall Performance Rating of "Needs Improvement".

(b) (6), (b) (7)(C) has proven to be a very capable operator. (b) (6), (b) (7)(C) is still learning the finer points of operating the mandrel handler. We would like to see (b) (6), (b) (7)(C) continue to focus on learning autoclave operations along with developing (b) (6), (b) (7)(C) skills related to hand lay up fabrications.

**V. EMPLOYEE COMMENTS (OPTIONAL)**

(b) (6), (b) (7)(C)		SIGNATURES (Please type or print and sign)	
EMPLOYEE	(b) (6), (b) (7)(C)	DATE	(b) (6), (b) (7)(C)
TEAM LEADER	(b) (6), (b) (7)(C)	DATE	(b) (6), (b) (7)(C)

Page



## PERSONNEL CHANGE REQUEST

Form C-295 (3-00)

## VOUGHT AIRCRAFT INDUSTRIES, INC



BUS UNIT	DEPT COST	MAID DROP ID	PEOPLESFT DEPT ID	EMPL NO.			OLD
				(b) (6), (b) (7)(C)			NEW

LAST NAME	FIRST NAME	MI	SOCIAL SECURITY NO.	SENIORITY DATE	ORIGINAL HIRE DATE	AERO SVC PIN DATE	AS OF
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)				(b) (6), (b) (7)(C)		8/7/06

## CLASSIFICATION

PAYROLL CODE	SALARY ADM PLAN	JOB CODE	PAY GROUP LEGACY	CPAY	GRADE	JOB TITLE	JOB FAMILY	RANGE MIN	RANGE MID	RANGE MAX	RANGE PENETRATION	ACTION	REASON	EFFECTIVE
			<input type="checkbox"/> S2 <input type="checkbox"/> S3 <input type="checkbox"/> S4 <input type="checkbox"/> HRL											

## RATE

COMP RATE	SHIFT DIFFERENTIAL	RATE	PREMIUM CODE	RATE	PREMIUM CODE	COLA	WORK RATE	AUTO PROG EFFECTIVE DATE	ACTION	REASON	EFFECTIVE
14.00 14.30										Salary increase	8/7/06

## TRANSFER

BUS UNIT	DEPT COST	ZONE	PEOPLESFT DEPT ID	EMPLOYEE STATUS	HOURS	UNION	REQUISITION NO.	RECRUITMENT SOURCE	ACTION	REASON	EFFECTIVE
				<input type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME							
				<input type="checkbox"/> DIRECT <input type="checkbox"/> INDIRECT							

EMPL CLASS	COMPANY (FEIN)	SITE	WORK TELEPHONE	LOCATION	BLDG NO.	SHIFT	WORK WEEK	SERVICE DATE	TAX LOCATION CODE	BENEFIT PROG	CODES RESOURCE	ALPHA	OVERTIME
							<input type="checkbox"/> STANDARD <input type="checkbox"/> NON-STANDARD						

## LEAVE OF ABSENCE/TERMINATION

TYPE OF LEAVE/TERMINATION	TERMINATION DATE	LAST DAY WORKED	ACTION	REASON	EFFECTIVE

## COMMENTS

--

## APPROVALS

INITIATING MANAGER SIGNATURE	DEPT. COST	TELEPHONE	DATE	APPROVING MANAGER SIGNATURE	DEPT. COST	TELEPHONE	DATE
APPROVING MANAGER SIGNATURE	DEPT. COST	TELEPHONE	DATE	EMPLOYEE ACKNOWLEDGEMENT SIGNATURE	DEPT. COST	TELEPHONE	DATE
RECEIVING MANAGER SIGNATURE	DEPT. COST	TELEPHONE	DATE	(b) (6), (b) (7)(C)	DEPT. COST	TELEPHONE	DATE

Refer to your site business process for distribution.



Dear (b) (6), (b) (7)(C):

This notice serves to advise you of a salary increase in the amount of \$0.30 of your hourly rate. The effective date of this increase is 8/7/2006 and the increase in pay will appear in the pay received on 8/18/2006.

We are pleased to award this increase based on your performance over the last review period and believe it will serve as an incentive for you to continue to strive to meet our business goals and objectives in the future.

9) Teamwork and process improvement (if applicable) shares ideas, information, knowledge that will improve individual and / or workgroup productivity and quality performance; participates constructively on teams; uses time equipment, and material in a cost effective manner.			
Outstanding accomplishments or other comments:			
<b>III. OVERALL PERFORMANCE RATINGS:</b> Manager, mark applicable box; consider employee's performance with respect to Position Responsibilities and Work Style Effectiveness.			
NEEDS IMPROVEMENT <input type="checkbox"/>	COMPETENT <input type="checkbox"/>	COMMENDABLE <input checked="" type="checkbox"/>	OUTSTANDING <input type="checkbox"/>
<b>IV. COMMENTS EXPLAINING OVERALL PERFORMANCE RATING:</b> Manager, explain reasons for Overall Performance Rating. Be specific when addressing areas of concern. A performance improvement plan must be detailed for an Overall Performance Rating of "Needs Improvement".			
(b) (6), (b) (7)(C) is a productive team player and well liked by the group. (b) (6), (b) (7)(C) has quickly grasped the concepts and operation of the mandrel handler.			
<b>V. EMPLOYEE COMMENTS (OPTIONAL)</b>			
<b>VI. SIGNATURES (Please type or print, and sign)</b>			
EMPLOYEE (b) (6), (b) (7)(C)	DATE 8-7-06	(b) (6), (b) (7)(C)	DATE 8-7-06
TEAM LEADER/MANAGER (if applicable)	DATE		DATE 8/7/06

Page





**VAIL PRODUCTION AND MAINTENANCE  
INDIVIDUAL PERFORMANCE EVALUATION**

				PERFORMANCE PERIOD	
				FROM:	TO:
EMPLOYEE NAME (b) (6), (b) (7)(C)	EMP. NO. (b) (6), (b) (7)(C)	DIV.	ORG. NO.	JOB CODE	JOB TITLE

**I. POSITION RESPONSIBILITIES:** Summarize key duties, responsibilities and specific work assignments for which the employee is accountable.

(b) (6), (b) (7)(C) has been tasked with the primary responsibility of learning to operate the Mandrel Handler along with other duties typical of a (b) (6), (b) (7)(C).

**II. ASSESSMENT OF WORK STYLE EFFECTIVENESS:** Manager, evaluate the process and manner which characterize the employee's approach to his or her work. Mark the applicable box.

	Needs Improvement	Competent	Commendable	Outstanding
1) Job knowledge - Understands the overall requirements of the job.			X	
2) Initiative - Executes independent action and organizes own work self starter.			X	
3) Quality of work - Produces acceptable work which meets established goals.			X	
4) Quantity of work - Maintains productivity in accordance with established standards.			X	
5) Attendance - Maintains established attendance standards.				X
6) Interpersonal skills - Demonstrates willingness to work for and with others. Treats others with respect and understanding; addresses problems, challenges and obstacles positively and constructively; maintains self control and composure in difficult situations; communicates effectively with others.				X
7) Safety - Follows safety rules, uses appropriate safety equipment and devices.		X		
8) Communication - Understands instructions, ability to communicate effectively with supervision and co-workers, keeps supervision informed of job status / problems.				X
9) Teamwork and process improvement (if applicable) shares ideas, information and knowledge that will improve individual and / or workgroup productivity and quality performance; participates constructively on teams; uses time equipment, and material in a cost effective manner.			X	

Outstanding accomplishments or other comments:

**III. OVERALL PERFORMANCE RATINGS:** Manager, mark applicable box; consider employee's performance with respect to Position Responsibilities and Work Style Effectiveness.

NEEDS IMPROVEMENT

☐

COMPETENT

☐

COMMENDABLE

☒

OUTSTANDING

☐

**IV. COMMENTS EXPLAINING OVERALL PERFORMANCE RATING:** Manager, explain reasons for Overall Performance Rating. Be specific when addressing areas of concern. A performance improvement plan must be detailed for an Overall Performance Rating of "Needs Improvement".

(b) (6), (b) (7)(C) is a productive team player and well liked by the group. (b) (6), (b) (7)(C) has quickly grasped the concepts and operation of the mandrel handler.

**V. EMPLOYEE COMMENTS (OPTIONAL)**

**III. SIGNATURES (Please type or print, and sign)**

EMPLOYEE (b) (6), (b) (7)(C)	DATE 8-7-06	(b) (6), (b) (7)(C)	DATE 8-7-06
TEAM LEAD	DATE		DATE 8/7/06

Page

Employee Name: (b) (6), (b) (7)(C)

Employee ID No. (b) (6), (b) (7)(C)

Current Assigned Shift: Check One:

- X Monday – Friday – 8 hours/first shift
- \_\_\_\_\_ Monday – Friday – 8 hours/second shift
- \_\_\_\_\_ Monday – Friday – 8 hours/third shift
- \_\_\_\_\_ Monday – Thursday – 10 hours/ first shift
- \_\_\_\_\_ Monday – Thursday – 10 hours/ second shift
- \_\_\_\_\_ Friday – Sunday – 12 hours / first shift
- \_\_\_\_\_ Friday – Sunday – 12 hours/ second shift

ENTERED  
8/14

Temporary Shift Transfer to:

**Note: Temporary Transfers should be for 3 weeks or less**

- \_\_\_\_\_ Monday – Friday – 8 hours/first shift
- X Monday – Friday – 8 hours/second shift
- \_\_\_\_\_ Monday – Friday – 8 hours/third shift
- \_\_\_\_\_ Monday – Thursday – 10 hours/ first shift
- \_\_\_\_\_ Monday – Thursday – 10 hours/ second shift
- \_\_\_\_\_ Friday – Sunday – 12 hours / first shift
- \_\_\_\_\_ Friday – Sunday – 12 hours/ second shift
- \_\_\_\_\_ (Other)

Beginning: 8/7/2006  
Day and Date (mm/dd/yyyy)

Ending: 8/18/2006  
Day and Date (mm/dd/yyyy)

(b) (6), (b) (7)(C) 08/072006 Supervisors Name (Please Print) and Date



VOUGHT AIRCRAFT INC.  
North Charleston, SC 29418



## Hourly Timecard

Revision: 0

Date: 04/03/2006

Pay Period: 17-Apr-06 to 23-Apr-06  
(Monday) (Sunday)

DAY	DATE	START TIME	END TIME	HOURS WORKED	COMMENTS
MON	4-17-06	6:30	3:00	8	
TUE	4-18-06	6:30	3:00	8	
WED	4-19-06	6:30	3:00	8	
THU	4-20-06	6:30	3:00	8	
FRI	4-21-06	6:30	3:00	8	
SAT					
SUN					

EMPLOYEE NAME (PRINT):  
(b) (6), (b) (7)(C)

EMPLOYEE SIGNATURE  
(b) (6), (b) (7)(C)

EMPLOYEE #  
(b) (6), (b) (7)(C)

### FOR SUPERVISOR/MANAGER USE ONLY

TOTAL HOURS		
REGULAR	OVERTIME	VACATION
HOLIDAY	OTHER	
SUPERVISOR/TRAINER SIGNATURE (b) (6), (b) (7)(C)		DATE April 21, 2006
V (b) (6), (b) (7)(C)		DATE 4/21/06

VOUGHT AIRCRAFT INC.  
North Charleston, SC 29418



## Hourly Timecard

Revision: 0

Date: 04/03/2006

Pay Period: 10-Apr-06 to 16-Apr-06  
(Monday) (Sunday)

DAY	DATE	START TIME	END TIME	HOURS WORKED	COMMENTS
MON	8/10/06	6:30	3:00	8	
TUE	8/11/06	6:30	3:00	8	
WED	8/12/06	6:30	3:00	8	
THU	8/13/06	6:30	3:00	8	
FRI	8/14/06	6:30	3:00	8	
SAT					
SUN					

EMPLOYEE NAME (PRINT): (b) (6), (b) (7)(C)	EMPLOYEE SIGNATURE (b) (6), (b) (7)(C)	EMPLOYEE # (b) (6), (b) (7)(C)
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FOR SUPERVISOR/MANAGER USE ONLY

TOTAL HOURS		
REGULAR	OVERTIME	VACATION
HOLIDAY	OTHER	
SUPERVISOR/TRAINER SIGNATURE (b) (6), (b) (7)(C)	DATE April 14, 2006	
VOUGHT MANAGER SIGNATURE (IF DIFFERENT THAN ABOVE) (b) (6), (b) (7)(C)	DATE 4/14/06	





Vought Aircraft Industries, Inc.  
5300 International Blvd., Suite 101  
North Charleston, SC 29418

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

Congratulations!

We are pleased to confirm our offer and your acceptance of employment with Vought Aircraft Industries. We look forward to you beginning your job on (b) (6), (b) (7)(C) as a (b) (6), (b) (7)(C) reporting to (b) (6), (b) (7)(C). As we discussed, your salary will be paid weekly at the pre-tax annualized rate of \$14.00 per hour. Our work hours are 6:30am to 3:00pm with a 30 minute unpaid lunch. You are scheduled to work 40 hours a week, and overtime as needed.

As a full-time, regular employee of Vought Aircraft Industries, you are eligible to participate in our benefit programs. If you choose to participate in our medical, dental, or other elective insurance programs, your benefits will be effective your first day of employment. The employee's portion of the benefit premiums will be automatically deducted from your weekly pay. As a reminder, you will need to provide proof of your qualified dependents; therefore, a copy of your marriage license and your child/children birth certificate are required. Similarly, you are eligible to participate in our 401K plan within two weeks of employment, any elections will be automatically deducted from your weekly pay. In addition, as an employee of Vought Aircraft Industries you may take advantage of a number of benefits to include: life insurance for yourself and your qualified dependents, short-term disability, long-term disability, 80 hours, paid holidays, paid vacation, and educational assistance.

As a reminder, on (b) (6), (b) (7)(C) please bring with you documents to verify your identity and employment eligibility as required by the Immigration Reform and Control Act of 1986. To assist you, we have enclosed a copy of the Employment Eligibility Verification Form (I-9), which lists the acceptable documentation. Under the current law, your inability to provide appropriate documentation may result in our inability to employ you.

If you have any questions, please feel free to contact me at (b) (6), (b) (7)(C). We look forward to seeing you on (b) (6), (b) (7)(C) at 6:30am at the Hub. We wish you much success in your new job.

Again, congratulations and welcome to the Vought Team.

Best Regards,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Note: We are still negotiating with vending machine companies; you may want to bring your lunch and beverages.

Enclosure: I-9 Form





Vought Aircraft Industries, Inc.  
5300 International Blvd., Suite 101  
North Charleston, SC 29418

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

During your interview with us you made a very favorable impression upon our team. Your energy, enthusiasm, and qualifications were strong factors in our decision process. Accordingly, I am pleased to extend an offer to you for the position of (b) (6), (b) (7)(C) reporting to (b) (6), (b) (7)(C) at a hourly rate of \$14.00. As a regular employee of Vought Aircraft Industries you will also be eligible for a generous fringe benefit program which currently includes health care, life insurance, legal insurance, paid time off, 401(k) plan, and other benefit options, in which your share of the costs for the benefits you elect will be automatically deducted from your pay. This offer and your employment are contingent upon your successful completion of a background verification and drug screen; and, if those are successfully completed, a post-offer, pre-employment health examination.

At Vought Aircraft Industries we take great pride in selecting employees who will contribute to our success while finding personal reward and satisfaction in their work. Our "start-up" operation in South Carolina will require a strong commitment from each employee, and in return will provide a high level of pride and sense of accomplishment.

While we sincerely hope you accept our offer of employment and look forward to a mutually satisfactory relationship during your employment, it is important that you understand that the employment relationship between Vought Aircraft Industries and its employees is one of voluntary employment at will, not a contract for a specified period. YOUR EMPLOYMENT CAN BE TERMINATED WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE, AT ANY TIME, EITHER BY YOU OR THE COMPANY.



Vought aircraft is in the process of revising its employee handbook. In the interim, you are being provided the following handouts to help you understand some of the company's policies and procedures:

- Standards of Conduct
- Steps to Dispute Resolution
- General Information pertaining to Vacation, Sick Leave, Holidays, Attendance/Job Performance, Seniority and Assessment Period
- 2006 Holiday Schedule
- VWI 1.2.028H Paid Time Absence For Production and Maintenance Personnel
- H3-0103 Accelerated Reviews

THE PURPOSE OF THESE HANDOUTS IS TO PROVIDE EMPLOYEES OF VOUGHT A CONVENIENT REFERENCE SOURCE OF SUMMARY INFORMATION. THESE HANDOUTS ARE NOT ALL-INCLUSIVE AND ARE SUBJECT TO INTERPRETATION, MODIFICATION, TERMINATION AND CHANGE BY THE COMPANY AT ANY TIME, WITH OR WITHOUT NOTICE, IN THE COMPANY'S SOLE DISCRETION.

THESE HANDOUTS ARE NOT A CONTRACT OF EMPLOYMENT.

I ACKNOWLEDGE THAT I HAVE RECEIVED THE ABOVE REFERENCED HANDOUTS.

(b) (6), (b) (7)(C)

EMPLOYEE'S SIGNATURE

10-5-06  
DATE

10/2/06

**Dunn, Jenny**

---

**From:** Ross H. Friedman [rfriedman@morganlewis.com]  
**Sent:** Friday, August 01, 2008 7:44 AM  
**To:** Dunn, Jenny  
**Subject:** RE: Case No. 11-CA-21991

Thanks Jenny.

Ross H. Friedman | Morgan Lewis & Bockius LLP  
 77 West Wacker, Fifth Floor | Chicago, Illinois 60601-5094  
 Direct: 312.324.1172 | Fax: 312.324.1001 | rfriedman@morganlewis.com

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☐ "Dunn, Jenny" <Jenny.Dunn@nlrb.gov>

<p>"Dunn, Jenny"          &lt;Jenny.Dunn@nlrb.gov&gt;</p>	<p>To "Ross H. Friedman" &lt;rfriedman@morganlewis.com&gt;          cc          Subject RE: Case No. 11-CA-21991</p>
---	--

08/01/2008 06:39 AM

Hi Ross,

That makes sense to me and is not a problem at all.

Thanks,  
 Jenny

---

**From:** Ross H. Friedman [mailto:rfriedman@morganlewis.com]  
**Sent:** Thursday, July 31, 2008 12:12 PM  
**To:** Dunn, Jenny  
**Subject:** RE: Case No. 11-CA-21991

Jenny-

Thanks for sending the letter in an e-mail. From my perspective, I would rather give you one position statement that addresses both the merits of the termination and why 10(j) is not warranted. I can have that done by August 8. Do you prefer that I give you separate position

8/1/2008

Region 11  
4035 University Parkway – Suite 200  
Winston-Salem, NC 27106-3325

Telephone: 336-631-5201

Direct Telephone: 336-631-5216  
Email: jenny.dunn@nlrb.gov  
Sent via facsimile and regular mail  
July 31, 2008

Mr. Ross H. Friedman, Esq.  
Morgan, Lewis & Bockius, LLP  
77 West Wacker, Fifth Floor  
Chicago, Illinois 60601-5094  
Re: Vought Aircraft Industries  
Case: 11-CA-21991  
Dear Mr. Friedman:

As you are aware, the unfair labor practice charge in case 11-CA-21991 was filed against Vought Aircraft Industries (the Employer) by International Association of Machinists and Aerospace Workers, AFL-CIO (the Union).

Under the procedures of the Board, an investigation is conducted upon the allegations set forth in the charge to determine what, if any, merit they might have. Based upon the evidence adduced during the course of the investigation, a decision is made by the Regional Office



as to whether or not there is reasonable cause to believe that the Act has been violated. You undoubtedly would like to have the Region consider the responses of the Employer to the allegations when the determination is made upon the merits of them.

Accordingly, and in accordance with the established policies and practices of the Board, and to facilitate the presentation of the response by the Employer, I request the opportunity to interview and take affidavits from all individuals who have any direct knowledge of the material and relevant facts pertaining to the allegations of the charge. Based upon the evidence disclosed thus far, I am specifically requesting the opportunity to interview the following individuals:

(b) (6), (b) (7)(C)

The charge alleges that the Employer violated Sections 8(a)(1) and (3) of the National Labor Relations Act on or about (b) (6), (b) (7)(C) 2008, by discharging (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) Union activities and support and/or (b) (6), (b) (7)(C) protected concerted activities.

Specifically, the Charging Party alleges that on or about (b) (6), (b) (7)(C) 2008, the Employer discharged (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) union activities and open support of the Union, and because of (b) (6), (b) (7)(C) protected concerted activities involving safety concerns at the Employer's facility. The Charging Party contends that the incident involving the mandrel manipulator, which occurred on or about (b) (6), (b) (7)(C) 2008, was due to a malfunction, and that the mandrel manipulator at issue has had previous malfunctions of which the Employer was aware and which were not correctly or completely repaired, including on or



about the day prior to the incident at issue. The Charging Party further contends that (b) (6), (b) (7)(C) discharge was disparate, in that other individuals employed by the Employer have been involved in accidents or incidents similar to (b) (6), (b) (7)(C) which did not result in discharge.

Please provide the Employer's response and evidence as to the above allegations. Please also provide any documentary evidence in the Employer's possession, including but not limited to:

- (1) A written explanation as to the reason(s) for (b) (6), (b) (7)(C) termination;
- (2) Any and all documentation in the Employer's possession obtained or created by the Employer during its investigation whether to discharge (b) (6), (b) (7)(C) including, but not limited to, all documentation referenced by the Employer during any investigatory meetings;
- (3) Any and all documentation in the Employer's possession concerning (b) (6), (b) (7)(C) employment and (b) (6), (b) (7)(C) discharge, including, but not limited to, any documentation that would indicate the reason(s) for (b) (6), (b) (7)(C) discharge;
- (4) The complete personnel file for (b) (6), (b) (7)(C) including, but not limited to, any disciplinary, attendance, training, safety, and performance records located within the file;
- (5) Any and all correspondence exchanged between the Employer and the Union or (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) discharge or the investigation into (b) (6), (b) (7)(C) discharge;
- (6) A written explanation as to any and all programming of codes or functions that has occurred in the past six months on the pendant computer on the mandrel manipulator at issue, specifically including the name(s) and title(s) of the individuals



programming the codes or functions, the date the programming occurred, how the code or function is accessed, and what action the code or function completes;

(7) Any and all documentation in the Employer's possession that would indicate what codes and functions have been programmed on the pendant computer of the mandrel manipulator at issue within the past six months;

(8) Any and all documentation in the Employer's possession that would indicate the training on the mandrel manipulator at issue received by (b) (6), (b) (7)(C) and all other employees who have operated the mandrel manipulator at issue within the past three years;

(9) A written explanation as to which individuals were granted access to the pendant computer for the mandrel manipulator at issue since the incident at issue, specifically including the names and titles of the individuals, the dates of access, the purpose of the access, and any functions completed by the individual(s) who had access to the pendant;

(10) Any and all documentation in the Employer's possession regarding any problems with the functioning of the mandrel manipulator at issue, specifically including, but not limited to, any and all notes taken by the Employer regarding the functioning of the mandrel manipulator, any and all complaints voiced by employees regarding the mandrel manipulator, and any and all service records relating to the functioning of the mandrel manipulator;

(11) All documentation in the Employer's possession pertaining to any investigation(s) completed by the

Employer within the last 2 years into accidents that have occurred at this facility;

(12) A list of employees disciplined or discharged by the Employer at this facility within the past 3 years for their involvement in accidents or incidents similar to the incident at issue involving the mandrel manipulator, including each employee's name and job title, the reason(s) for the discipline or discharge, and any and all available documentation explaining the reason(s) for discipline or discharge;

(13) A list of employees who, within the past 3 years, have been involved in accidents or incidents similar to the incident at issue involving the mandrel manipulator;

(14) The Employer's rules and regulations, employee handbook, Human Resources, and/or policy manual, specifically including, but not limited to, the Employer's disciplinary policy;

(15) The Employer's written position as to whether 10(j) relief is warranted in this matter, as requested in my letter dated July 21, 2008; and

(16) A completed commerce questionnaire (NLRB Form 5081), a blank copy of which is enclosed.

In addition to the above named individuals, I am also willing to interview anyone else whom you would like to present who may have direct knowledge of facts bearing upon the allegations. Consistent with the Board's investigative policy, I encourage your full and complete cooperation in promptly making the witnesses available for me to interview. To afford you with a reasonable opportunity to present your full evidence in response to the allegations, I will make myself available to interview your witnesses.

In accordance with the well established practice of the Board investigating and deciding the merits of an unfair labor practice charge within a reasonable prompt time from the date of its filing, your full and complete cooperation will be greatly appreciated in presenting witnesses and/or submitting any other evidence and any position statement on the issues which you wish us to consider by no later than the close of business **August 8, 2008**. Should I not receive your evidence and statement of position in response to the allegations by the above date, I will have to present the case for Regional determination based solely upon evidence otherwise available.

I must advise you that submission of a position letter, or memorandum, or the submission of affidavits not taken by a Board agent does not constitute full and complete cooperation. However, any evidence you may wish to submit, such as a statement of position, affidavits not taken by a Board agent, and/or other documents will be considered when a determination is made upon the merits of the allegations although such submissions may not be accorded the same weight as affidavits taken by a Board agent. Accordingly, I ask that you contact me as soon as possible so that the necessary arrangements can be made in order for you to present all evidence, including witnesses for the purpose of giving affidavits, by close of business **August 8, 2008**. Absent the submission of such evidence, the Regional Director will make his decision based on the evidence available.

Sincerely,

Jenny Dunn  
Field Examiner

---

**From:** Ross H. Friedman [<mailto:rfriedman@morganlewis.com>]

8/1/2008

**Sent:** Thu 7/31/2008 9:29 AM  
**To:** Dunn, Jenny  
**Subject:** RE: Case No. 11-CA-21991

Jenny-

If you could send it to me by e-mail or fax (312-324-1001), that would be great. Thanks. I will pass it along to Doreen. I will also file an appearance today. If you could send it today, that would be great, as the position statement we file Monday will address the entire Charge, not just the 10(j) allegation.

Thanks-  
Ross

Ross H. Friedman | Morgan Lewis & Bockius LLP  
77 West Wacker, Fifth Floor | Chicago, Illinois 60601-5094  
Direct: 312.324.1172 | Fax: 312.324.1001 |  
rfriedman@morganlewis.com

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"Dunn, Jenny" <Jenny.Dunn@nlrb.gov>

"Du  
<Jer

07/3

Hi Ross,

That's correct; I will look forward to receiving the position statement on 10(j) relief by close of business August 4, 2008.

I am preparing a letter providing additional information on the allegation and requesting information from the Employer - should I send it to your attention or to Doreen Davis?

Thanks,  
Jenny

---

**From:** Ross H. Friedman  
[mailto:[rfriedman@morganlewis.com](mailto:rfriedman@morganlewis.com)]  
**Sent:** Wed 7/30/2008 2:09 PM  
**To:** Dunn, Jenny  
**Subject:** Case No. 11-CA-21991

Jenny-

It was nice speaking with you today. This e-mail will confirm that you have granted the Company an extension to Monday, August 4, to send you our position statement for case 11-CA-21991.

Thanks for your help-

8/1/2008

Ross

Ross H. Friedman | Morgan Lewis & Bockius LLP  
77 West Wacker, Fifth Floor | Chicago, Illinois  
60601-5094  
Direct: 312.324.1172 | Fax: 312.324.1001 |  
rfriedman@morganlewis.com

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United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

**www.nlr.gov**

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

September 30, 2008

Re: Vought Aircraft Industries  
Case 11-CA-21991

Mr. Jeffery M. Smith  
Grand Lodge Rep.  
International Association of Machinists and  
Aerospace Workers, AFL-CIO  
1111 W. Mockingbird Lane, Suite 1357  
Dallas, TX 75247

Dear Mr. Smith:

The above-captioned case charging a violation under Sections 8(a)(1) and (3) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

*Decision to Dismiss:* Based on the investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge in that there is insufficient evidence of a violation.

**Your Right to Appeal:** The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by FILING AN APPEAL with the **GENERAL COUNSEL** of the National Labor Relations Board, Attn: Office of Appeals, Room 8820, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570-0001, and a copy with the **Regional Director**.

You are encouraged to submit a complete statement setting forth the facts and reasons why you believe the decision to dismiss your charge was incorrect. However, use of the enclosed Appeal Form (NLRB-4767) by itself will be treated as an appeal if timely filed upon the General Counsel and the Regional Director.

**Appeal Due Date:** The appeal must be received by the General Counsel in Washington, D.C. by the close of business at **5:00 p.m. EST on October 14, 2008**. However, if you mail the appeal, it will be considered timely if it is postmarked no later than one day before the due date.

An appeal may also be filed electronically by using the e-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at www.nlr.gov, select **E-Gov** and click on **E-Filing**. On the next page, under **General Counsel's Office of Appeals**, select **File an Appeal or Other Document**. The Website will contain detailed instructions on how to file an appeal electronically. If you file the appeal electronically, it must be received by the General Counsel by the close of business at 5:00 p.m. EST on the due date. A failure to timely file an appeal electronically will not be excused on the basis of the claim that transmission could not be accomplished because the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason. The appeal may not be filed by facsimile transmission.

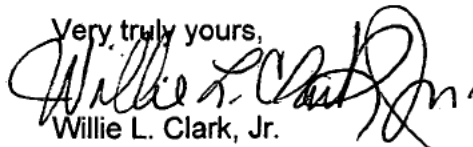
**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the internet are set forth in the

attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extensions of time. A request for an extension of time to file an appeal **must be received** on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is mailed to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,



Willie L. Clark, Jr.  
Regional Director

Attachment

JLD/jld Document1

cc: Doreen S. Davis, Esq.  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Ross H. Friedman, Esq.  
Morgan Lewis & Bockius, LLP  
77 West Wacker Drive, Fifth Floor  
Chicago, IL 60601

Ms. Joy Romero  
Vice President  
Vought Aircraft Industries  
3455 Airframe Drive  
North Charleston, SC 29418-8953

Joe Greaser  
Grand Lodge Representative  
International Association of Machinists &  
Aerospace Workers  
2510 Park Summit Blvd.  
Apex, NC 27523

Tommy C. Daves  
Grand Lodge Rep.  
International Association of Machinists and  
Aerospace Workers, AFL-CIO  
1111 W. Mockingbird Lane, Ste. 1357  
Dallas, TX 75247



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEAL

To: Willie L Clark, Regional Director  
National Labor Relations Board, Region 11  
P O Box 11467  
Winston-Salem, NC 27116-1467

Date: October 8, 2008

Please be advised that an appeal is being taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the Charge in Case Name(s)

Vought Aircraft Industries

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Case No. 11-CA-21991 . (If more than one case  
number, include all case numbers in which appeal is taken.)

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(Signature)

Jeffery M. Smith, Grand Lodge Representative  
International Association of Machinists and  
Aerospace Workers, AFL-CIO



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

November 3, 2008

Re: Vought Aircraft Industries  
Case No. 11-CA-21991

Jeffery M. Smith, Grand Lodge Rep.  
IAMAW, AFL-CIO  
1111 West Mockingbird Lane, Suite 1357  
Dallas, TX 75247

Dear Mr. Smith:

Receipt of your appeal in the above matter is acknowledged. Upon receipt of the investigative file from the Regional Director, the appeal will be assigned for processing. You may be assured your appeal will receive careful consideration and that you and all interested parties will be advised, as soon as possible, of our decision.

Sincerely,

Ronald Meisburg  
General Counsel

By Yvonne T. Dixon  
Yvonne T. Dixon, Director  
Office of Appeals

cc: Willie L. Clark, Jr., Regional Director  
National Labor Relations Board  
P.O. Box 11467  
Winston-Salem, NC 27116

Joy Romero, Vice President  
Vought Aircraft Industries  
3455 Airframe Drive  
North Charleston, SC 29418

Doreen S. Davis, Esq.  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103

Tommy C. Daves, Grand Lodge Rep.  
IAMAW, AFL-CIO  
1111 West Mockingbird Lane, Suite 1357  
Dallas, TX 75247

Joe Greaser, Grand Lodge Rep.  
IAMAW  
2510 Park Summit Blvd.  
Apex, NC 27523

Ross H. Friedman, Esq.  
Morgan, Lewis & Bockius, LLP  
77 West Wacker Drive, 5<sup>th</sup> Floor  
Chicago, IL 60601

ke



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

November 7, 2008

Re: Vought Aircraft Industries  
Case No. 11-CA-21991

Jeffery M. Smith, Grand Lodge Rep.  
IAMAW, AFL-CIO  
1111 West Mockingbird Lane, Suite 1357  
Dallas, TX 75247

Dear Mr. Smith:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

There is insufficient evidence to establish that the Employer's discipline and discharge of (b) (6), (b) (7)(C) was in violation of the National Labor Relations Act. In that regard, the Regional Office investigation disclosed insufficient evidence to establish a connection between the discharge of (b) (6), (b) (7)(C) and any union and protected activities (b) (6), (b) (7)(C) engaged in. Rather, the evidence indicated that (b) (6), (b) (7)(C) discharge was based upon the Employer's determination after a full investigation that (b) (6), (b) (7)(C) was involved in a work incident that justified (b) (6), (b) (7)(C) discharge. It could not be established that the Employer's actions were based on animus or retaliation directed toward (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) protected activities. Absent such evidence, a violation under the Act could not be established. Accordingly, further proceedings were deemed unwarranted.

Sincerely,

Ronald Meisburg  
General Counsel

By

Yvonne T. Dixon, Director  
Office of Appeals

cc: Willie L. Clark, Jr., Regional Director  
National Labor Relations Board  
P.O. Box 11467  
Winston-Salem, NC 27116

Tommy C. Daves, Grand Lodge Rep.  
IAMAW, AFL-CIO  
1111 West Mockingbird Lane, Suite 1357  
Dallas, TX 75247

Joy Romero, Vice President  
Vought Aircraft Industries  
3455 Airframe Drive  
North Charleston, SC 29418

Joe Greaser, Grand Lodge Rep.  
IAMAW  
2510 Park Summit Blvd.  
Apex, NC 27523

Doreen S. Davis, Esq.  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103

Ross H. Friedman, Esq.  
Morgan, Lewis & Bockius, LLP  
77 West Wacker Drive, 5<sup>th</sup> Floor  
Chicago, IL 60601

SS



**Dunn, Jenny**

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**From:** Dunn, Jenny  
**Sent:** Monday, September 29, 2008 3:29 PM  
**To:** 'Smith Jeffery'  
**Subject:** Vought Aircraft, 11-CA-21991

Hi Jeff,

I wasn't sure if you were back in the office yet, but wanted to let you know I received your message and the short form dismissal letter should issue tomorrow. Thank you again for your cooperation in this matter.

Sincerely,  
Jenny

9/29/2008

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**Dunn, Jenny**

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**From:** Dunn, Jenny  
**Sent:** Monday, September 29, 2008 8:35 AM  
**To:** 'Greaser Joseph'  
**Subject:** FW: Vought, case no. 11-CA-21991

Joe,

I sent Jeff Smith an email on this case to inform him of the decision, also. We would like to hear back from either you or Jeff by the close of business (4:30pm rather than noon) today regarding whether the Union would like to withdraw the charge or have it be dismissed via a long form or short form letter. Otherwise, a long form dismissal letter will issue.

Thanks,  
 Jenny

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**From:** Dunn, Jenny  
**Sent:** Friday, September 26, 2008 2:49 PM  
**To:** 'Greaser Joseph'  
**Subject:** Vought, case no. 11-CA-21991

Hi Joe,

I just left a voicemail for you on your cell regarding the Vought case. The Region has met on the case involving (b) (6), (b) (7)(C) discipline and discharge and has determined that the allegations should be dismissed, absent withdrawal. Please call me at 336-631-5216 (today until 3:30pm or Monday from 7:00am-12:00pm) when you have an opportunity so that I can explain the Region's reasoning for its determination. I would like to speak with you to explain the decision in greater detail, since the Region would like to know what you would like to do with the charges by no later than noon on Monday, September 29.

As you know, you have the option of withdrawing the charge or having the Region dismiss the charge. Either way, a copy of the letters withdrawing or dismissing the charges will be sent to the Employer.

*Withdrawal:*

If you choose to withdraw the charge(s), you will not have the ability to appeal the Region's decision. You will have the ability to re-file the charge in the future, if necessary (Section 10(b) provides that it can be re-filed within 6 months of the alleged ulp).

*Dismissal:*

If you choose dismissal, you have the option of a long form letter or a short form letter – a long form letter lists the reasons behind the Region's decision and a short form letter just indicates the charge is being dismissed for "insufficient evidence of a violation". If you choose dismissal, you can appeal the Region's decision with the NLRB's Office of Appeals in Washington, DC. There will be instructions in the dismissal letter that is sent to you which will indicate you should send in your appeal or a request for an extension of time within 2 weeks of the date the dismissal letter is issued. Many people who are appealing their case choose to receive a short form dismissal letter so that the Employer does not receive a letter explaining any weaknesses in their case, in case Appeals overturns the Region's decision and the case is reinstated.

If we do not hear from you by noon on Monday, the charge will be dismissed via a long form dismissal letter.

Thank you again for your continued cooperation in this matter.

Sincerely,  
 Jenny Dunn

9/29/2008

**Dunn, Jenny**

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**From:** Dunn, Jenny  
**Sent:** Monday, September 29, 2008 8:30 AM  
**To:** 'Smith Jeffery'  
**Subject:** Vought Aricraft, 11-CA-21991

Hi Jeff,

I left a voicemail for Mr. Greaser regarding the Vought case but wanted to get in touch with you regarding the Region's decision. The Region met on the case involving (b) (6), (b) (7)(C) discipline and discharge, and has determined that the allegations should be dismissed, absent withdrawal. Please call me at 336-631-5216 when you have an opportunity today, so that I can explain the reasoning for the Region's determination. I would like to speak with you or Mr. Greaser to explain the decision in greater detail, since the Region would like to know what you would like to do with the charges as soon as possible but no later than the close of business (4:30pm) today.

As you know, you have the option of withdrawing the charge or having the Region dismiss the charge. Either way, a copy of the letters withdrawing or dismissing the charges will be sent to the Employer.

*Withdrawal:*

If you choose to withdraw the charge(s), you will not have the ability to appeal the Region's decision. You will have the ability to re-file the charge in the future, if necessary (Section 10(b) provides that it can be re-filed within 6 months of the alleged ulp).

*Dismissal:*

If you choose dismissal, you have the option of a long form letter or a short form letter – a long form letter lists the reasons behind the Region's decision and a short form letter just indicates the charge is being dismissed for "insufficient evidence of a violation". If you choose dismissal, you can appeal the Region's decision with the NLRB's Office of Appeals in Washington, DC. There will be instructions in the dismissal letter that is sent to you which will indicate you should send in your appeal or a request for an extension of time within 2 weeks of the date the dismissal letter is issued. Many people who are appealing their case choose to receive a short form dismissal letter so that the Employer does not receive a letter explaining any weaknesses in their case, in case Appeals overturns the Region's decision and the case is reinstated.

If we do not hear from you regarding your decision by the close of business today, the charge will be dismissed via a long form dismissal letter. Thank you again for your continued cooperation in this matter.

Sincerely,  
Jenny Dunn

9/29/2008

**Dunn, Jenny**

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**From:** Dunn, Jenny  
**Sent:** Monday, September 22, 2008 11:43 AM  
**To:** 'Greaser Joseph'  
**Subject:** Vought 11-ca-21991 (b) (6), (b) (7)(C) discipline and discharge)

Hi Joe,

Good talking to you this morning. I have listed the names of employees who may have been involved in accidents or incidents similar to (b) (6), (b) (7)(C) below. Do you have any more info regarding incidents/accidents they may have been involved in? Do you know of any other incidents/accidents that could have resulted in the death of another employee? Do you know of any other incidents that were as costly in terms of damage/repairs required? Do you know what the disciplinary history for the other employees involved in similar incidents/accidents looked like?

- 1.) (b) (6), (b) (7)(C) – incident involving dropped/cracked call plate after a back-up vacuum was not hooked up – on/about (b) (6), (b) (7)(C) 08 or in/around (b) (6), (b) (7)(C) '08?
- 2.) (b) (6), (b) (7)(C) – accident(s) involving a bin
- 3.) (b) (6), (b) (7)(C) – JLG lift machine damaging bonding room door
- 4.) (b) (6), (b) (7)(C) – programmed something incorrectly and an incident resulted
- 5.) ? (b) (6), (b) (7)(C) ? – started a process (b) (6), (b) (7)(C) was not supposed to in/around (b) (6), (b) (7)(C) '08
- 6.) (b) (6), (b) (7)(C) – some type of incident resulting in suspension/injury, was referenced in "Grievance/Issue Summary from (b) (6), (b) (7)(C), 2008" which you provided to me (perhaps this is the (b) (6), (b) (7)(C) listed above in #5?)
- 7.) Are there any others you are aware of?

Thanks,  
 Jenny

9/22/2008



(11)

(21)

**Dunn, Jenny**

**From:** Dunn, Jenny  
**Sent:** Thursday, September 11, 2008 12:00 PM  
**To:** 'jgreaser@iamaw.org'  
**Subject:** Vought

Hi Joe,

Thanks for getting back to me; I received your voicemail this morning as I was out of the office yesterday. I hope that the convention is going well and that you are getting to enjoy your time in Orlando. Let me know if you hear anything from the Employer regarding the possibility of (b) (6), (b) (7)(C) getting back to work through some type of non-Board agreement.

In the mean time, the investigation is going forward. As far as the question as to whether there is any evidence of disparate treatment, as I mentioned in an earlier email, I am trying to get in touch with some of the other employees who have been involved in other incidents/accidents that resulted in damage. Do you know of any other incidents/accidents that could have resulted in the death of another employee? Do you know of any other incidents that were as costly in terms of damage/repairs required? Do you know what the disciplinary history for the other employees involved in similar incidents/accidents looked like?

The Region would like to make sure we have everything we need in order to make a decision in this matter. Is there anything else that the Union wants to provide? Did anyone ever find out what happened to the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), or get (b) (6), (b) (7)(C) contact info? Do you have the contact info for the tech who had worked on the mandrel manipulator?

I know you're at the convention this week, so you don't have to get back to me immediately, but if you could let me know by next Wednesday or Thursday at the latest, it would be appreciated.

Thanks and take care,  
Jenny

9/11/2008

**Dunn, Jenny**

---

**From:** Dunn, Jenny  
**Sent:** Wednesday, August 20, 2008 4:06 PM  
**To:** 'Smith Jeffery'  
**Subject:** RE: Vought Aircraft Industries, 11-CA-21991

Hi Jeff,

Hope your vacation is going well and that you get to enjoy some time away from the office.

My understanding is that (b) (6), (b) (7)(C) was aware of the disciplines at the time both were issued to (b) (6), (b) (7)(C).

On the (b) (6), (b) (7)(C) discipline involving (b) (6), (b) (7)(C), it appears that (b) (6), (b) (7)(C) signed (b) (6), (b) (7)(C) written warning on (b) (6), (b) (7)(C) 07, and initially, I wasn't sure if the parties had worked something out on this discipline since the Union had sent the Employer a written grievance summary on January 25 requesting to remove the discipline from (b) (6), (b) (7)(C) file.

On the (b) (6), (b) (7)(C) discipline, the "second written warning" indicates (b) (6), (b) (7)(C) was refusing to sign.

Thanks,  
Jenny

---

**From:** Smith Jeffery [mailto:jsmith@iamaw.org]  
**Sent:** Wednesday, August 20, 2008 3:51 PM  
**To:** Dunn, Jenny  
**Subject:** RE: Vought Aircraft Industries, 11-CA-21991

Dear Ms. Dunn:

I'm on vacation this week and just got your emails.

I will forward it to my secretary. She is authorized to sign the document on my behalf. She may be able to return it to you today or tomorrow morning.

I have just one question related to the prior disciplines. Was (b) (6), (b) (7)(C) aware that (b) (6), (b) (7)(C) was disciplined or did (b) (6), (b) (7)(C) become aware of it during your investigation of the most recent charge? If the latter is the case, then I'm thinking the six month period wouldn't toll until (b) (6), (b) (7)(C) became aware of the discipline.

Sincerely,

Jeffery M. Smith  
Grand Lodge Representative  
IAM&AW

---

**From:** Dunn, Jenny [mailto:Jenny.Dunn@nrlrb.gov]  
**Sent:** Wednesday, August 20, 2008 1:37 PM  
**To:** Smith Jeffery  
**Subject:** Vought Aircraft Industries, 11-CA-21991

Jeff,

I was working on drafting an amended charge adding in two of (b) (6), (b) (7)(C) prior disciplines which (b) (6), (b) (7)(C) had indicated

8/20/2008

might still be within the 10(b) window, and in reviewing some documentary information already provided by the Union, it appears that at least one of them is already 10(b). It appears that (b) (6), (b) (7)(C) discipline resulting from the argument with co-worker (b) (6), (b) (7)(C) occurred on (b) (6), (b) (7)(C) 2007, rather than in February or March as I had earlier thought; so that one is clearly 10(b).

I don't have a specific date for (b) (6), (b) (7)(C) second discipline, which resulted from creating overtime down after misplacing a segment, and was alleged to have occurred sometime in March, but I'll attach a copy of the drafted amended charge, in case the Union decides to file now and get more specifics on the date later.

Thanks,  
Jenny

---

Notice: This message is intended for the addressee only and may contain privileged and/or confidential information. Use or dissemination by anyone other than the intended recipient is prohibited.

---

8/20/2008

**Dunn, Jenny**

---

**From:** Smith Jeffery [jsmith@iamaw.org]  
**Sent:** Thursday, August 21, 2008 9:50 AM  
**To:** Dunn, Jenny  
**Subject:** RE: Vought Aircraft Industries, 11-CA-21991

Dear Ms. Dunn:

I had so much going on prior to vacation, it's been difficult trying to recall all of the issues on all of the pending cases.

I believe Joe Greaser said something similar to this earlier -- the (b) (6), (b) (7)(C) disciplinary action should be covered by the first charge.

I'd like to thank you for your assistance in this matter. I will forward the amended charge to my secretary. She is authorized to sign the amended charge on my behalf during my absence from the office.

Sincerely,

Jeffery M. Smith  
Grand Lodge Representative  
IAM&AW

---

**From:** Dunn, Jenny [mailto:Jenny.Dunn@nrlb.gov]  
**Sent:** Wednesday, August 20, 2008 4:40 PM  
**To:** Smith Jeffery  
**Subject:** RE: Vought Aircraft Industries, 11-CA-21991

Hi Jeff,

I just received the signed amended charge and spoke with management here about the 10(b) issue -- they indicated that we can make an argument that the discipline allegation is related to the discharge allegation, since the discipline allegation would not have been 10(b) if it were included at the time the initial charge was filed. However, they would like for the amendment to be more specific, to include the actual date of the discipline so that there is no question of what is being alleged. Attached you will find a new draft, specifically noting the date of the discipline. If you wish to file the amended charge, please sign and return.

Thanks,  
Jenny

---

**From:** Smith Jeffery [mailto:jsmith@iamaw.org]  
**Sent:** Wednesday, August 20, 2008 3:51 PM  
**To:** Dunn, Jenny  
**Subject:** RE: Vought Aircraft Industries, 11-CA-21991

Dear Ms. Dunn:

I'm on vacation this week and just got your emails.

I will forward it to my secretary. She is authorized to sign the document on my behalf. She may be able to return it to you today or tomorrow morning.

8/21/2008



I have just one question related to the prior disciplines. Was (b) (6), (b) (7)(C) aware that (b) (6), (b) (7)(C) was disciplined or did (b) (6), (b) (7)(C) become aware of it during your investigation of the most recent charge? If the latter is the case, then I'm thinking the six month period wouldn't toll until (b) (6), (b) (7)(C) became aware of the discipline.

Sincerely,

Jeffery M. Smith  
Grand Lodge Representative  
IAM&AW

---

**From:** Dunn, Jenny [mailto:Jenny.Dunn@nrlrb.gov]  
**Sent:** Wednesday, August 20, 2008 1:37 PM  
**To:** Smith Jeffery  
**Subject:** Vought Aircraft Industries, 11-CA-21991

Jeff,

I was working on drafting an amended charge adding in two of (b) (6), (b) (7)(C) prior disciplines which (b) (6), (b) (7)(C) had indicated might still be within the 10(b) window, and in reviewing some documentary information already provided by the Union, it appears that at least one of them is already 10(b). It appears that (b) (6), (b) (7)(C) discipline resulting from the argument with co-worker (b) (6), (b) (7)(C) occurred on (b) (6), (b) (7)(C) 2007, rather than in February or March as I had earlier thought; so that one is clearly 10(b).

I don't have a specific date for (b) (6), (b) (7)(C) second discipline, which resulted from creating overtime down after misplacing a segment, and was alleged to have occurred sometime in March, but I'll attach a copy of the drafted amended charge, in case the Union decides to file now and get more specifics on the date later.

Thanks,  
Jenny

---

Notice: This message is intended for the addressee only and may contain privileged and/or confidential information. Use or dissemination by anyone other than the intended recipient is prohibited.

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Notice: This message is intended for the addressee only and may contain privileged and/or confidential information. Use or dissemination by anyone other than the intended recipient is prohibited.

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8/21/2008

**Dunn, Jenny**

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**From:** Dunn, Jenny  
**Sent:** Wednesday, August 20, 2008 2:02 PM  
**To:** 'Ross H. Friedman'  
**Subject:** Vought Aircraft Industries, 11-CA-21991

Mr. Friedman,

In your position statement you indicated that (b) (6), (b) (7)(C) discharge was not disparate, but there were no examples provided of any other employees who have been disciplined or discharged for similar incidents or any indication whether similar incidents have occurred (see items #11-13 of my July 31, 2008 letter). Please provide such information, specifically including, but not limited to, information on the following incidents involving:

(b) (6), (b) (7)(C) - dropped and damaged call plate  
(b) (6), (b) (7)(C) - 3 accidents involving a bin  
(b) (6), (b) (7)(C) - JLG lift machine damaging bonding room door

Thank you for your continued cooperation in this matter.

Sincerely,  
Jenny Dunn

8/20/2008

**Dunn, Jenny**

---

**From:** Dunn, Jenny  
**Sent:** Wednesday, August 20, 2008 1:52 PM  
**To:** 'jsmith@iamaw.org'  
**Subject:** RE: Vought Aircraft Industries, 11-CA-21991

Hi Jeff,

I have located a copy of the discipline issued to (b) (6), (b) (7)(C) regarding the problem involving the segment that was alleged to have occurred. It is dated (b) (6), (b) (7)(C) 2008. Also outside of 10(b). I'm not aware of any more recent disciplines (b) (6), (b) (7)(C) received prior to (b) (6), (b) (7)(C) discharge; if you or Joe learn of any, I can draft a new amended charge.

Thanks,  
Jenny

---

**From:** Dunn, Jenny  
**Sent:** Wednesday, August 20, 2008 1:37 PM  
**To:** 'jsmith@iamaw.org'  
**Subject:** Vought Aircraft Industries, 11-CA-21991

Jeff,

I was working on drafting an amended charge adding in two of (b) (6), (b) (7)(C) prior disciplines which (b) (6), (b) (7)(C) had indicated might still be within the 10(b) window, and in reviewing some documentary information already provided by the Union, it appears that at least one of them is already 10(b). It appears that (b) (6), (b) (7)(C) discipline resulting from the argument with (b) (6), (b) (7)(C) occurred on (b) (6), (b) (7)(C) 2007, rather than in February or March as I had earlier thought; so that one is clearly 10(b).

I don't have a specific date for (b) (6), (b) (7)(C) second discipline, which resulted from creating overtime down after misplacing a segment, and was alleged to have occurred sometime in March, but I'll attach a copy of the drafted amended charge, in case the Union decides to file now and get more specifics on the date later.

Thanks,  
Jenny

8/20/2008

**Dunn, Jenny**

---

**From:** Dunn, Jenny  
**Sent:** Friday, August 15, 2008 8:00 AM  
**To:** 'jsmith@iamaw.org'  
**Subject:** Vought Aircraft

Hi Jeff,

I received your message regarding the amended/new charge in Vought. I'll work on drafting an amended charge regarding the disciplines to you either today or Monday. If you have any questions or changes when you receive it, let me know. I understand you're swamped, so don't worry if you can't get to the new charge (on the OSHA visit) right away.

Thanks!  
Jenny

8/15/2008



NATIONAL LABOR RELATIONS BOARD  
BACKPAY CLAIMANT IDENTIFICATION

(b) (6), (b) (7)(C)		2. DATE OF BIRTH / /	3. SOCIAL SECURITY NUMBER - -
A. MAIDEN NAME, IF MARRIED	B. OTHER NAMES USED, IF ANY	C. SPOUSE'S FIRST AND LAST NAME, MIDDLE INITIAL	D. SPOUSE'S SOCIAL SECURITY NUMBER - -
4. ADDRESS (b) (6), (b) (7)(C)			5. TELEPHONE NUMBER ( ) (b) (6), (b) (7)(C)
6. LIST BELOW FRIENDS OR RELATIVES WHO WILL KNOW WHERE YOU ARE IN CASE YOU MOVE:			
NAME		ADDRESS	TELEPHONE NUMBER
			( ) -
			( ) -
			( ) -
7. SUPPLY THE FOLLOWING INFORMATION REGARDING YOUR EMPLOYMENT AT:			CASE NUMBER
Vought Aircraft (Name of Company)			11-CA-21991
A. NAME OF DEPARTMENT YOU WERE IN AT TIME OF UNFAIR LABOR PRACTICE	B. KIND OF JOB YOU HAD AT TIME OF UNFAIR LABOR PRACTICE (b) (6), (b) (7)(C)		C. DATE YOU STARTED WORKING FOR THIS COMPANY / / (b) (6), (b) (7)(C)
D. RATE OF PAY AT TIME OF DISCHARGE \$15.07		E. NUMBER OF HOURS WORKED EACH WEEK approx. 50 (OT after 40)	

## PRIVACY ACT STATEMENT

**Purpose:** The principle use of the information is to assist the National Labor Relations Board (NLRB) in determining and distributing back pay and other monies which may be paid to you as a result of unfair labor practice proceedings under the National Labor Relations Act. Information collected is used by NLRB Compliance Officers to locate your whereabouts in the event the Region is unable to locate you.

**Authority:** 29 U.S.C. 153(d), 159, 160, 161; 44 U.S.C. 3101; and, the Government Performance and Results Act of 1993, Pub. L. 103-62, 107 Stat. 285 (codified in sections of Title 5, 31, and 39 of the U.S. Code). E.O. 9397, November 22, 1943, authorizes the collection of Social Security Numbers that will be used to identify and locate potential discriminatees.

**Routine Uses:** The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006).

**Disclosure:** Disclosure is voluntary; however, failure to provide requested information may have a negative impact on the ability of the NLRB to collect and distribute back pay and other monies to which you may be entitled.



United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 11  
4035 University Parkway – Suite 200  
Winston-Salem, NC 27106-3325

Direct telephone: 336-631-5216  
Main office telephone: 336-631-5201  
Fax no.: 336-631-5210  
Email: jenny.dunn@nlrb.gov

**Sent via facsimile and regular mail**

July 21, 2008

Ms. Doreen S. Davis, Esq.  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Re: Vought Aircraft Industries  
Case No.: 11-CA-21991

Dear Ms. Davis:

The unfair labor practice charge in case 11-CA-21991 was filed against Vought Aircraft Industries (the Employer) on July 11, 2008, by International Association of Machinists and Aerospace Workers, AFL-CIO (the Union).

Based on the allegations and the possibility that there may be a continuing and widespread impact on employees' Section 7 rights, the Agency is requesting the Employer's position as to whether injunctive relief, under Section 10(j) of the Act, is warranted. Section 10(j) of the Act empowers the Agency to petition in district court for an injunction to temporarily prevent unfair labor practices and to restore the status quo, pending the full review of the case by the Board. Accordingly, please submit a written statement of position with regard to the propriety of 10(j) relief no later than **July 31, 2008**.


Within the next few weeks, I will also be sending a letter requesting the Employer's witnesses to provide affidavits to a Board agent and pertinent documentary evidence in this matter. Under the procedures of the Board, an investigation is conducted upon the allegations set forth in the charge to determine what, if any, merit they might have. Based upon the evidence adduced during the course of the investigation, a decision is made by the Regional Office as to whether or not there is reasonable cause to believe that the Act has been violated. You undoubtedly would like to have the Region consider the responses of the Employer to the allegations when the determination is made upon the merits of them.

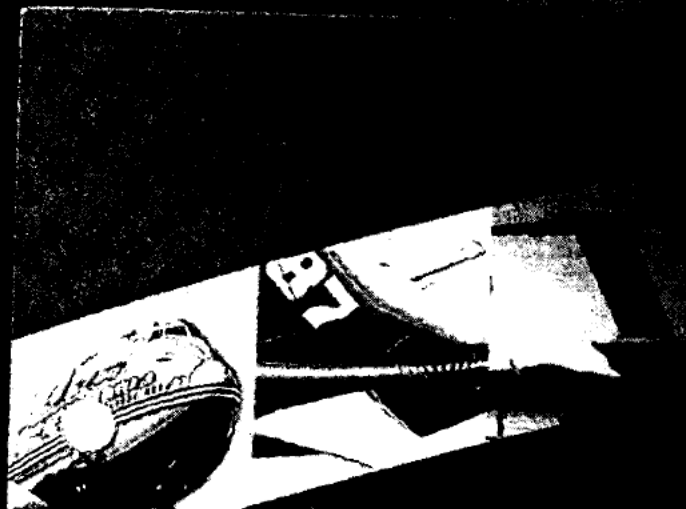
Accordingly, and in accordance with the established policies and practices of the Board, and to facilitate the presentation of the response by the Employer, I will be requesting the

opportunity to interview and take affidavits from all individuals who have any direct knowledge of the material and relevant facts pertaining to the allegations of the charge. I will be willing to interview anyone else whom you would like to present who may have direct knowledge of facts bearing upon the allegations. Consistent with the Board's investigative policy, I encourage your full and complete cooperation in promptly making the witnesses available for me to interview. To afford you with a reasonable opportunity to present your full evidence in response to the allegations, I will make myself available to interview your witnesses. I must advise you that submission of a position letter, or memorandum, or the submission of affidavits not taken by a Board agent does not constitute full and complete cooperation. However, any evidence you may wish to submit, such as a statement of position, affidavits not taken by a Board agent, and/or other documents will be considered when a determination is made upon the merits of the allegations although such submissions may not be accorded the same weight as affidavits taken by a Board agent.

Should you have any questions, you may reach me by phone at (336) 631-5216.

Sincerely,

  
Jenny Dunn  
Field Examiner



Vought Aircraft Industries, Inc.

Vought Employee Handbook



# Vought Employee Handbook



**Vought**  
Aircraft Industries, Inc.

Advancing Flight Through Excellence In Aerostructures

(original retained in R11)





## Table of Contents

### WELCOME TO VUGHT

Introduction	1
Core Values	3
Services	7

### UNDERSTANDING OUR POLICIES

Assessment Periods	13
Compensation, Pay Practices and Benefits	15
Attendance	23

### PROVIDING A PROFESSIONAL ENVIRONMENT

Workforce Diversity, Equal Employment Opportunity and Affirmative Action	33
Business Conduct and Ethics	35
General Policies	37
Security Policies	43
Standards of Personal Conduct and Disciplinary Procedures	49
Dispute Resolution	57

INDEX	67
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## EMPLOYEE COMMUNICATION

We use a variety of communication vehicles to bring you information including:

- Employee Meetings
- Emails
- Vought Intranet
- Site Announcements
- Home mailings
- Internet

## EMPLOYEE DEVELOPMENT AND TRAINING

(Refer to VWI 1.8.012H,)

Vought offers you several ways to obtain additional training and education, including company-paid opportunities, company-sponsored internal development programs and advanced training in specialized skills. Please contact your manager or Human Resources organization for information about company-sponsored opportunities for professional development or training.

## EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) offers professional counseling to employees to help resolve problems that may affect their work performance. These may be personal,

medical, or psychological in origin and include, but are not limited to, stress and chemical dependency. The Employee Assistance Program offers help to employees and their dependents, who are covered by the employee's medical plan, through consultation, referrals, and/or treatment. If you need further information, contact your Human Resources organization, call the EAP Emergency Number 866-269-5800, or visit the EAP website link at the Vought Benefits website <http://benefits.voughtaircraft.com>

## MEDICAL FACILITIES

Medical facilities are maintained at most Vought locations to provide first aid; to treat minor occupational injuries and illnesses; and to coordinate and/or perform physical examinations or other forms of medical observation. If you are injured at work, notify your manager and report immediately to the nearest company medical facility for treatment. If medical facilities are not available at your site, contact your manager; Human Resources; or your Environmental, Safety, and Health Representative for assistance.

## BENEFITS ADMINISTRATION

For information about Vought's benefits program or your individual coverage, please visit our benefits web site at: <http://benefits.voughtaircraft.com>, call the Vought Benefits Center at (866) 689-5999 or contact your site's benefits representative.

## BULLETIN BOARDS

Important information, including State and U.S. Government notices, is posted on bulletin boards conveniently located throughout our sites. All bulletin board postings must be approved by the Human Resources organization prior to posting.

## ENVIRONMENTAL, SAFETY AND HEALTH

(Refer to Policy VDP 3.3.01K)  
Working safely and working in an environmentally responsible manner is a condition of employment. Vought is committed to becoming an injury-free workplace. Our Environmental, Safety and Health (ES&H) program reflects company policy of conducting operations and activities that protect the environment and provide a

workplace free from recognized hazards. In conducting its business, the company and its employees must comply with applicable laws, regulations, policies, and procedures governing environmental, occupational health, and safety practices. Company policies and procedures have been developed to ensure compliance with these regulations.

Personal protective equipment (PPE) such as safety glasses, hearing protection, hard hat, protective clothing, respiratory devices, and protective shields are provided to employees at no cost where such equipment is required. Your manager will provide information concerning the PPE for your job and you will be trained in how to use and care for it. If you have a question about how to obtain or use personal protective equipment, contact your manager or your site ES&H representative.

You can do your part to work toward an injury-free workplace by following correct operating procedures, and by applying the ES&H practices and guidelines published at your company site. If you observe unsafe or unhealthful

## PERSONAL TOOLS AND EQUIPMENT

Vought furnishes most special and expendable tools, such as files, drills, reamers, and punches, on a tool checkout basis. If you are required to provide specific tools, your manager will provide you with a list of tools appropriate to your job that you are to furnish. Only the tools specified by your manager should be brought on-site. These tools are to be kept locked in your toolbox. Vought is not responsible for loss of, or damage to, personal tools and equipment. If you know you will be absent from the workplace for an extended period of time, such as a medical leave of absence, you should make immediate arrangements with your manager to secure your tools during your absence.

In accordance with established government and company policies, a periodic inspection and calibration of personally owned precision measuring equipment is required. Vought performs this inspection and makes any necessary minor adjustments that may be required. Vought will not repair personally owned tools or precision-measuring equipment.

## INJURY AND ILLNESS REPORTING

(Refer to VWI 3.3.011K, "Incident, Injury Accident Reporting and Investigation")

Employees are required to immediately report all work-related injuries and illness. Report of injuries and illness must be made promptly to the manager or to the medical office - no later than the end of the shift on which the injury or illness occurred. If you are unsure how to report an injury or illness, contact your Environmental, Safety and Health Representative or Human Resources.

## YOUR PERSONNEL RECORD

It is your responsibility to keep your personal information up-to-date. All address, telephone numbers and emergency contact information changes should be made electronically, through your site's payroll system. Family status changes that may affect employee benefits, such as births, marriage, death, divorce, or legal separation, must be reported immediately to the Vought Benefits Center at (866) 689-5999 or to your site benefits representative.

Vought will not release any information about its employees to external sources, other than dates of employment and job title, except where such release is required or authorized by law. If you want additional information provided to any particular company or individual, you must provide a written release. If you wish to review your personnel file, you should contact your site Human Resources Office, to make an appointment.

## USE OF COMPANY NAME

Unless authorized, you may not use the name "Vought," nor the name of any company site or subsidiary in connection with any motion picture, electronic or print media, symposium or any such external event that may give the impression such use has been sponsored or approved by Vought. Authorization must be obtained through Corporate Communications.

## USE OF COMPANY LETTERHEAD

Use of company letterhead stationery or other company forms is restricted to official Company business only.

## SOLICITATION AND DISTRIBUTION

To avoid disruption of company operations, the following rules apply to solicitation and distribution of written or printed matter:

**Non-employees** - Persons who are not employed by the company may not solicit or distribute written or printed matter on company property at any time for any purpose.

**Employees** - Employees of the company may not solicit during working time (as defined below) for any purpose. Employees also may not distribute written or printed matter during working time or in working areas.

**Working Time** - Working time includes the working time of both the employee doing the soliciting or distributing and the employee to whom the soliciting or distributing is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are properly not engaged in performing their work tasks.



## Standards of Personal Conduct and Disciplinary Procedures

*Vought values its employees and believes that a collaborative effort on the part of both company and employees is necessary in order to be successful. Standards of conduct have been established so that both management and employees know what is expected of them and what they can expect from the company. These standards are found in several places: in this handbook as the Standards of Personal Conduct, in the Standards of Business Conduct, and in our policies and procedures.*



When violations of our standards occur, however, disciplinary action appropriate to the nature of the offense may be necessary. The severity of the discipline will be determined by such considerations as the effect of the offense on company operations, the extent of any damage, and the circumstances of the offense. The following section outlines the types of offenses that are subject to disciplinary action.

#### **DISCIPLINARY PROCEDURES**

Certain general offenses and major offenses have been established and a formal procedure has been outlined for notifying employees of unacceptable conduct.

When it is reasonably established that you have committed an offense or violated a company regulation, appropriate corrective action will be taken. The nature and frequency of the violation will determine the severity of the discipline. Such corrective action may include, but is not limited to, a disciplinary notice, disciplinary suspension, or termination of employment. Before a notice of formal discipline is issued, and at management's

discretion, you may receive informal verbal or written counseling. These communications are intended to create an open, problem-solving environment between you and your management. Warning notices are usually issued by your immediate manager and are intended to help you avoid further infractions.

Our formal disciplinary policy is progressive and cumulative. Committing successive offenses, whether general or major, will result in the next step of discipline. All warning notices normally are cleared from your personnel file after 12 months of active employment without any further recorded warnings.

You will be asked to acknowledge receipt of a written warning notice by signing it. Your signature does not constitute admission of wrongdoing. If you believe that the notice is unjustified you may obtain assistance through your management or Human Resources.

When management or Human Resources considers it appropriate, you may be suspended without pay for a limited period to allow for a

complete investigation of the facts concerning the offense.

The offenses listed are not all-inclusive but are representative of unacceptable conduct for Vought employees.

#### **GENERAL OFFENSES**

The following offenses are subject to the corrective action indicated:

- (1) Irregular attendance: Repeated absence, excessive tardiness or leaving early (attendance guidelines have been established at each company site).
- (2) Unreported absence.
- (3) Substandard, careless or inefficient work.
- (4) Failure to properly record your time or, through carelessness or oversight, violating other time-reporting procedures established at your site.
- (5) Wasting time, loitering, or leaving the work place without permission, or cleaning up or putting away tools before the specified time.
- (6) Defacing company or government property, creating unsanitary or unsightly conditions on company property, marking on restroom walls, or any similar act.
- (7) Failure to report promptly to management a work-related injury or accident, or failure to report to the nearest company authorized medical facility for examination or treatment.
- (8) Posting or removing any material on company bulletin boards located on company property, or on any structure controlled by Vought, without the approval of the manager responsible for the area and Human Resources.
- (9) Collecting funds during work time.
- (10) Solicitation or distribution of printed materials as described in the Personnel/Security Policies and Business Conduct section of the handbook.
- (11) Violating safety, security, foreign object damage/elimination, or environmental rules through carelessness or oversight.
- (12) Smoking, eating or drinking in unauthorized locations.

(13) Failure to complete or submit required company records in a timely fashion.

(14) Violation of Vought's tobacco-free workplace policy. This includes use of tobacco products on company property, including personal vehicles on company property.

#### **DISCIPLINARY ACTIONS - GENERAL OFFENSES**

Committing any General Offense can result in the following actions being taken:

- First offense - Written first warning notice.
- Second offense of any nature - Second written warning notice.
- Third offense of any nature - Final written warning notice, disciplinary suspension or discharge.
- Fourth offense of any nature - Discharge.

Depending on the circumstances and prior disciplinary record, the disciplinary action taken may be more or less severe and/or include other action.

#### **MAJOR OFFENSES**

The following offenses are subject to disciplinary action:

- (1) Unreported absence of three consecutive working days or longer.
- (2) Insubordination
  - (a) Willful disobedience of any reasonable and legitimate instructions issued by any member of management or anyone authorized to act in such capacity; or
  - (b) addressing such person in an abusive, threatening, or contemptuous manner.
- (3) Gross negligence in performing duties.
- (4) Failure to report any errors, damage, or poor workmanship to management.
- (5) Quitting work, sleeping, or loafing during work hours.
- (6) Theft, unauthorized removal, or willful damage of property belonging to another employee, to Vought, or to a Vought customer.
- (7) Sale or solicitation for the sale of stolen property on company premises.
- (8) Falsifying, altering, or

omitting pertinent information on any company records, giving false replies, statements or testimony to official company representatives, or refusing to provide necessary or truthful information in any matter relating to company activities, business affairs, and like matters.

- (9) Deliberately recording or entering another employee's time in an electronic time-keeping system or allowing another employee to do the same for you.
- (10) Falsification of entries on any form of time reporting, including charging time worked to an incorrect account, misrepresenting actual time worked, or otherwise intentionally compromising the accuracy of Vought's labor and attendance records.
- (11) Unauthorized acquisition, use, release, duplication, or removal of company records, property, employee lists, or any other form of company information without the prior, explicit permission of the

manager in charge of the activity concerned.

- (12) Using company-owned or -controlled material, time, equipment, resources, or personnel for any unauthorized purpose, including company credit cards or accounts and company electronic resources/media, such as e-mail, the Internet, telephones or fax machines.
- (13) Counterfeiting or utilizing counterfeit company product acceptance or work completion stamp, identification badge, gate pass, parking permit, records, identifying insignia, or other such item.
- (14) Using another employee's product acceptance or work completion stamp, or permitting another employee to use your stamp, or failure to properly safeguard your stamp.
- (15) Using another employee's badge or pass to gain admission to company premises, or to a controlled area within such premises, or permitting another person to use an employee badge, gate pass,

vehicle pass, or parking permit for such purpose.

- (16) Unauthorized duplication or use of keys or any device used for locking or securing company premises or property.
- (17) Using another person's electronic identification code/password, or permitting another person to use your code/password.
- (18) Unauthorized entry to, or exit from, company premises or facilities at any location at any time.
- (19) Horseplay, wrestling, dangerous practical joking or throwing objects.
- (20) Creating, encouraging, or participating in disorder, violence, or any other activity in which the intent or result is the disruption or interference with the conduct of company business or the performance of working duties of others.
- (21) Creating discord or lack of harmony by actions such as ridicule, disrespect, defamatory statements toward or concerning others in such a way as to interfere with company business.

(22) Threatening, intimidating, coercing, harassing, or interfering with any employees in the performance of their duties both on and off company premises.

(23) Committing any act of violence against another employee, including fighting on company premises.

(24) Introduction or possession of firearms, explosives, knives, or any other instrument which can be used as an injurious or deadly weapon on company property.

(25) Indecent conduct on company premises.

(26) Introduction, possession, sale, purchase, solicitation for sale, or use of intoxicating beverages or illegal or illicit drugs or substances on company premises, or reporting to work under the influence of same, or testing positive on a drug/alcohol test administered in accordance with Vought policy. Vought reserves the right to chemically analyze or test beverages, medicines, drugs, etc., brought on company premises.

Under certain circumstances, as set forth in company policy, you may be required to submit to a drug/alcohol test. An employee's consent to submit to such a test is required as a condition of employment and the employee's refusal to consent will result in disciplinary action, up to and including discharge.

(27) Operation of any company-furnished vehicle while under the influence of alcohol or illegal or illicit drugs or while not legally permitted to operate a motor vehicle (e.g., suspended driver's license).

(28) Gambling, conducting a lottery, or engaging in any other game of chance on company property at any time.

(29) Removing from authorized locations, tampering with, or unauthorized use of fire protection, safety, rescue, or first aid equipment.

(30) Deliberate interference with, or failure to comply with the directives of security representatives, or other proper authorities in the

performance of their duties.

(31) Deliberate or grossly negligent violation of safety, security, foreign object damage/elimination, environmental, or security regulations, or falsification of any environmental, safety, or health record.

(32) Any act of sabotage or espionage involving company or customer business records, materials, or similar items.

(33) Conviction of a crime or incarceration which prevents the performance of job duties.

(34) Acceptance of gifts, gratuities, or other unauthorized benefits from Vought suppliers, vendors, or other business contacts.

(35) Harassment or other discriminatory or retaliatory conduct, including but not limited to sexual harassment or harassment/discrimination based on race, color, age, religion, disability, national origin, or other protected class status.

(36) Assigning or allowing any company work to be performed